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THE COMPLEAT
MINERAL LAWS
OF
DERBYSHIRE, K

Taken from the
ORIGINALS.

- I. The HIGH PEAK Laws, with their Customs.
- II. STONY MIDDLETON and EAME, with a new Article made 1733.
- III. The Laws of the Manour of ASHFORTH-ITH-WATER.
- IV. The LOW PEAK Articles, with their Laws and Customs.
- V. The Customs and Laws of the Liberty of LITTON.
- VI. The Laws of the Lordship of TIDSWALL.

And all their Bills of Plaint, Customs, Cross-Bills, Arrests, Plaintiff's Case, or Brief; with all other Forms necessary for all Mines and Maintainers of Mines, within each MANOUR, LORDSHIP, or WAPENTAKE.

Quid dulcius Hominum generi à Natura datum est, quam sui cuique liberi.

L O N D O N :

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DERBYSHIRE
OF
MINERAL LAWS
THE COMPILATION

Taken from the

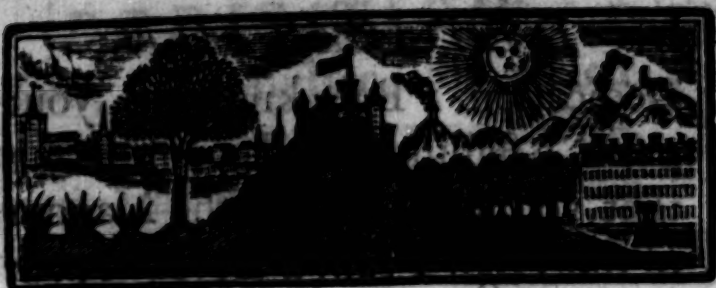
ORIGINALS



THE UNIVERSITY OF CHICAGO

Printed by Henry Woodman, and sold by
Richard Widdowson, at the "Star and Garter"
in the Strand, London. Also by John
and by the Strand Bookshop in Oxford
1864.

(Print in black ink on white paper)



TO THE
Most Noble PRINCE,
WILLIAM,
HIS GRACE THE
DUKE of *Devonshire*;
Lord Steward of his MAJESTY'S Household,
and Knight of the Most Noble Order
of the Garter.

THIS Work may justly
seem unworthy of your
Grace's Acceptance; nor
can any thing less than your own
Goodness find an Excuse for this

iv DEDICATION.

Dedication, But knowing your great Affability, and considering that you are Lord of the Manour of the *Higb Peak*, a Lover of your Country, and very compassionate, kind, and generous to your poor Neighbours, (for whose sakes these Laws and Customs, taken from the Originals, as well for all Miners, Dealers, and Maintainers of Mines within the Hundred of the *Higb Peak*, and the Liberties of *Stony Middleton*, *Eame*, *Litton*, and several other Lordships and Liberties, are published;) I therefore ask Your Grace's Protection.

The Intention of this Book is to keep Peace, and preserve the Miners Property, that their Rights may not be taken from them; to be a Direction to Juries on Trials; and to Grand Juries, or the Twenty-

DEDICATION. ▽

ty-four, that Justice, (of which you are a sincere Lover and Promoter) may be done at all Great Barrmote Courts, or Mine-Trials.

May the Giver of all good things long preserve your Life, not only for the Happiness of your Family, but for the Service of his Majesty, and the publick Good of his Subjects: which is the hearty Desire of all your Well-wishers and Countrymen; but more especially of,

Your most Obedient, Dutiful,

and most Humble Servant,



TO THE
READER.

HOnest Miners, and Maintainers of Mines, finding your Liberties, Laws and Customs, very hard to come at from the Originals, and the rest lie dispers'd in written Copies; and those, when found, very uncertain, scarce, and contradictory, and of little or no Advantage to you, because most of them are wrote
in

To the READER. vii

in Hands you cannot read ; for these Reasons I have published the Laws and Customs of the High Peak, Ashforth-i' th'-water, Litton, Eame, and Stony Middleton : and here you'll find Copies of Arrests, Bills of Complaint, Cross-Bills, the Plaintiff's Case, or Brief, and many other things, never before made publick.

I doubt not, but some, whose Nature it is to cavil, will fall out with this Undertaking ; but since it is for thee, Miner, and the sake of the Maintainers of the Mines, if you are pleased with it, and find it advantageous and useful in your Mineral Affairs and Trials, the End is answered, and obtained by,

Your most sincere,

and very humble Servant.

To the READER

Hands you cannot read; for
this Reason I have published the
Laws and Customs of the
County of Middlesex; and
the same shall be kept in the
Bills of Pleas, Court-Rolls, the
Plaintiff's Copy, or Brief, and
many other things, never before
made publick.

I shall not but follow, which
it is to each, will fall out
this Undertaking; for this is for
the Benefit, and the Ease of the
Inhabitants of the County of
Middlesex, and for the
convenience, and assist in your
affairs, and I think, the
Book is necessary, and obtained

Your most sincere
and very humble Servant



THE
Articles and Customs
 OF THE
MINES
 WITHIN
The Hundred of the High Peak,
and the Liberties of the King's-
Field in Derbyshire.

*The Contents of the Articles for the
 King's-Field in Derbyshire.*

- I. **C**ONCERNING the Duty of the Barr-
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LX. The

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LXV. Denying

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LXXIII. Denying

LXXIV. Denying

LXXV. Denying

LXXVI. Denying

LXXVII. Denying

LXXVIII. Denying

to be upon the Ground, upon pain to forfeit
the same to the Use of the Crown.



ARTICLE I.

WE will, that the Barr-master, by the consent of Jury, shall make to all Miners an able Dish, from this time forth, between Buyer and Seller of Lead Ore, and against the good Times; as *Christmas, Easter, and Whitsunday*, two able Dishes, if need require, if they be called for, upon pain for every Default three Shillings and Six-pence.

ART. II.

We say, the Barr-master shall buy the Miners the next Way to the Highway to the Water, if they be stopped, upon pain to forfeit for every Default 12 d.

ART. III.

We say, that no Person, nor Persons, shall purcase any Ore in any Man's Ground but his own, except the Owners
B^a be
ledge

((6))

be upon the Ground, upon pain to forfeit the Ore to the Owner of the Ground, and to forfeit to the King as often as they shall be taken 12 d.

ART. IV.

We say, that every Miner shall have sufficient Room for laying their Feaigh, according to the old Custom of the Mine.

ART. V.

We say, that whereas every Man has a Trough of his own by the Custom of the Mine, he ought to have the space of seven Foot about his Trough; and if any Person or Persons shall dig, or delve, or shovel near unto the said Trough within the said seven Foot, he shall forfeit and pay 4 d.

ART. VI.

We say, that no Person or Persons shall dig, delve, or shovel at or upon any Man's Binge Place, upon pain to forfeit for every time 12 d.

ART. VII.

We say, if any Miner hath Ore to be measured, if the Bar-master have Knowledge

ledge of the same, upon reasonable Warning to him given ; then every such Miner may take two of his Neighbours, and deliver his Ore to whom he will, so that the Duties be discharged, according to the Custom of the Mine.

ART. VIII.

We say, if any Person or Persons at any time take away any Stowfes, Timber, Picks, or any other Things concerning to the Mine, from any Man's Ground or Coes, they shall forfeit for every time 5 s. except the Owner give them leave ; whereof 1 s. and 3 d. to the King, and 3 s. 4 d. to the Parry grieved.

ART. IX.

We say, there shall no Purchaser let or stop any Miner from any Wash-trough at any time, upon pain for every Default 12 d.

ART. X.

We say, that the Custom of the Mine is such, that in no Ground Crosses and Holes that be not stowfed and booked lawfully from henceforth, within three Days, shall not stand lawful in any old Work ; and

in a new, Crosses and Holes shall stand and prevail no longer time, than a Man may go home to make Stowfes ready to stowse his Ground withal, and the longest time is but three Days.

ART. XI.

We say, all Miners within the King's-Field, ought to have the next Wood and Water of the King's Land, to timber their Ground under and above the Earth, and therefore the Miners pay Lot to the King.

ART. XII.

We say, by the Custom of the Mine, it is lawful for all the King's liege People to dig, delve, search, subvert, and turn all manner of Grounds, Lands, Meadows, Closes, Pastures, Meers, and Marshes for Ore-mines, of whose Inheritance soever they be; but if any Arable Lands or Meadows be digged up, and not wrought according to the Custom of the Mine, the Owner of the same may fill it again at his Will and Pleasure.

ART.

ART. XIII.

We say, the Custom of the Mine is such, that no Person ought to sue any Miner for any Debt that doth belong unto Mines, in no other Court but the Mineral Court; and if any Man do the contrary, they shall lose their Debt, and pay the Charges in the Law: and no other shall serve any Writ, Warrant, or Precept upon any Miner on the Mine, or where any Miner shall come to his Majesty's Great Court Barmot, but only the Barr-master or his Deputy.

ART. XIV.

We say, that no Person nor Persons shall buy any Ore at any time unlawfully measured, but the same to be done openly by the King's Dish, upon pain for every time so offending, the Buyer shall forfeit 10 s. and the Seller shall forfeit his Ore.

ART. XV.

We say, that no Person nor Persons, shall keep any Dish or counterfeit Measure, in their Houses, or Coes, or any other Place; and that every Person shall buy

buy and sell their Ore by the King's Dish, and no other to be had or used among them; and every Buyer so offending for every time, shall forfeit 10 s. and the Seller shall forfeit his Ore.

ART. XVI.

We say, by the Custom of the Mine, the Barr-master shall keep two great Courts every Year, one at or about the Feast of *Easter*, and the other at St. *Michael* the Arch-Angel; and every three Weeks a several Court, if need require, upon pain of every Default 3 s. 4 d.

ART. XVII.

We say, the Custom of the Mine is such, that if any new Rake or Vein be found, (by the Grace of God) by any Miner, or other Persons, the first Finder must have two Mears, and the Bar-master the next Mear for the King, according to the Custom of the Mine; and the Miner every Mear after, so far as the Rake or Vein will continue.

ART. XVIII.

We say, that if it happen, that any Miner be slain, killed, or damped, or
mur-

murdered upon the Mine, neither Executor, Coroner, nor any other Officer ought to meddle thereupon, but only the Bar-master or his Deputy.

ART. XIX.

We say, the Barr-master shall neither meet nor measure any Man's Ground until such time as Ore shall be gotten, and then it shall be measured the same Day.

ART. XX.

We say, if any Miner have made a Default at this said Court Barmot, and did not appear, we do mercy him 2 *d.* and if he do not appear at the next Court 4 *d.* and so to double every Court until it comes to 5 *s.* 4 *d.* whereof 5 *s.* to the King, and 4 *d.* to the Bar-master, and every Ore-Buyer 12 *d.*

ART. XXI.

We say, the Buyer of Ore shall not touch the Barr-master's Dish or Measure; but the Barr-master, or his Deputy, shall be an indifferent Man between the Buyer of Ore and the Seller, upon pain to forfeit 12 *d.*

ART. XXII.

We say, that no Man shall come to any Workman, that hath any Ground upon the Mine, and doth work the same truly to claim his Ground, or take it up to stop the Field of the Mine; but the first Workman shall work, and the Claimer shall take the Law, and the Bart-master shall do him Law truly.

ART. XXIII.

We say, if there be any Gentleman or other Man, that hath Ground on the Mine call'd the King's-Field, they shall keep them in Possession or Occupation with Stowes of Timber, in all Mens sight; or else it shall be lawful for any Man to take up the Ground with Stowes, and to work them as their own to their best Advantage.

ART. XXIV.

We say, that no Person nor Persons, shall go to any Gentleman, nor no other Person, to give or sell any Ground or Groves for Maintenance, on pain for each time so doing, to forfeit the Ground

Grove; and the Taker of them to forfeit 40 s.

ART. XXV.

We say, if any Person or Persons, from henceforth do make any Gauge or counterfeit Measure, to meet any Ore withal, if it be above a Load, every Person so taken, shall forfeit 40 s. and the Ore to the King; and if it be under a Load, then the Barr-master ought to have it.

ART. XXVI.

We say, the Custom of the Mine is such; that if any Person or Persons will make any Title or Claim, to any Man's Grounds, Groves, Shafes, Rakes, or Mears of Ground, he ought to arrest the same, according to the Custom of the Mines, and the Effects upon demand of the Barr-master, ought to be deliveted into the Custody of the Barr-master, and sufficient Bond with him or them, with sufficient Sureties, to the only Use and Behoof of the Plaintiff, or Claimer thereof, only, to make answer at the next Court of Bar-mot, to such Action or Actions, as shall be attempted by the Plaintiff or Claimer thereof.

thereof, or else to yield so much Ore, of the Value of the Action to the Plaintiff if the Defendant be cast, or condemn'd by the Verdict of twelve Men: And furthermore it is ordered, that if the Defendants do refuse to be bound in sufficient Bond, with sufficient Sureties to the Plaintiff, according to their Promise, that then the Barr-master shall deliver Possession to the Plaintiff. But if the Defendants do according to their Promises, that then the Barr-master shall appoint a Court within the space of ten Days, or so nearly as may be convenient; and if the Plaintiff does not follow his Suit upon the Arrestment, then he is to forfeit 6 s. 8 d. and to lose his Spin: also that the Barr-master keep a Court within the space aforesaid, if not, to forfeit for every Court not kept 10 s.

ART. XXVII.

We say, if any Person or Persons steal, or take away any Ore from any Groves, Grounds, Coes, Budle or Budlesteads, if it be above the Value of 13 d. $\frac{1}{2}$, it is Felony; and if any Person or Persons receive, aid, or help any such Offender, knowing him or them to have

com-

committed such Offences, or Felonys, to be accisary to the same.

ART. XXVIII.

We say, that if any Miners, which do work any Mears of Grounds, Groves, Shafts, or Rakes, according to the Custom of the Mine aforesaid, and that no Person or Persons, at time or times, either by Day or by Night, shall cast in, or fill any of the said Grounds, or Groves howsoever they be wrought, upon pain for every Offence to forfeit 40 s. And if any Grounds be wrought unlawfully, there is a Law for the Reformation of the same.

ART. XXIX.

We say, the Barr-master, or his Deputy, shall go over the Field once or twice a Week, and where he findeth any of these Articles to be broken and not kept, they shall endeavour themselves to enquire thereof, and present the Offenders and Offences at the Court Barmot from time to time.

ART. XXX.

We say, the Custom of the Mine is such, that no Person nor Persons, shall
cove

tove in any Man's Ground on the Mine upon pain of forfeiting the Ore to them that take the same from the Cover; and that every Cover shall forfeit to the King for every Offence 8 d.

ART. XXXI.

We say, the Custom of the Mine is such, that the Lord of the Field shall have the first Choice of the Ore, in the Field or Mine, doing as another Man will; and if the Miners have received any Money of another Man beforehand, then the Miners shall pay their Debt without lett of the Bar-master, so that this be without Fraud or Deceit.

ART. XXXII.

We say, the Custom of the Mine is such, that no Person nor Persons, shall bring any unlawful Weapons to the Mine upon pain to forfeit 3 s. 4 d. and if any one make an Assault, or Fray, every such Offence is 3 s. 4 d. and if the same be not paid upon the same Day, to double it until it come to a hundred Shillings.

ART. XXXIII.

We say, the Custom of the Mine is, that the Miners shall sell their Groves

to whom they will without lett or hindrance of the King, or Barr-master.

ART. XXXIV.

We say, that we do find, that any Miner may take half a Meare, paying for the same according to the Custom of the Mine aforesaid.

ART. XXXV.

We say, the Custom of the Mine is such, that every Miner shall have thirty two Yards in length to his Meare, according to the ancient Custom of the Mine.

ART. XXXVI.

We say the Barr-master, or his Deputy, shall go once a Week over the Field, and where he finds any Grove or Meare of Ground neglected, and not wrought according to the Custom of the Mine, he shall set one Nick upon the Spindle, and so from Week to Week he shall do the like, until such time as three Weeks shall be expired; and then the Barr-master shall deliver it to whom he will, that it may be wrought according to the Custom, and the Field not stoped:

Gm.

ART.

XXXVII.

We say, if any Bayliff do arrest any Miner, at any Court holden for the Mine, he shall forfeit forty Shillings to the Miner, and five pound to the King.

ART. XXXVIII.

We say, if any Man come to any Man's Groves or Ground, and steal away his Stowfes or Timber, or any other Materials belonging to the Mine, he shall forfeit 40 s. to the King.

ART. XXXIX.

We say, if any Man do work a Grove according to the Custom of the Mine, and have Partners, that will not pay their Wages within twenty-four Hours after it's demanded, he shall lose his Part, and forfeit 40 s. to the King.

ART. XL.

At the Great Court-Barrmoot, holden at *Monysb* the 15th Day of *October*, in the twenty-fourth Year of the Reign of *Charles* the Second King of *England*, and 1672, the Jury did present and say, That if any Miner or Miners,, or any o-
ther

ther Person or Persons be possess'd of any Grove, Shaft, or Meares of Ground, Part or Parts thereof, and do work the same according to the Custom of the Mine; if there be any Person or Persons, that shall or will make any Claim or Title to the same, or any part thereof, that he or they shall come in and make his or their Claim, either by themselves, or by some other, imploy'd by them, before the Bar-master, or his Deputy; and that within the space of three Months after the same shall be in Workmanship. And if deny'd of what he or they shall make Claim or Title to, must arrest within fourteen Days after the said Claim, or else his or their Title to the same shall be deem'd unlawful to any Plea for it in the Barmoot-Court,

ART. XLI.

We say, if any Miner within the King's-field, do brob or make any Holes for the finding any Veine or Rake, and do leave the same unfilled, when he or they have done with it, the same Miner shall forfeit to the King, or his Farmer, for every Offence three Shillings and 4 d.

ART. LXII.

We say, if any Miner or Miners do deny the Barr-master for putting down so many of the twenty-four Men as shall be requisite, for viewing of any Shafts, or any other Gates, in any Grove or Grounds, he shall forfeit to the King, or his Farmer, for every time so offending
40 s.

ART. LXIII.

We say, That no Miner or other Persons shall have above three Tryals for any Ore-Mineral Action ; but that every such Action shall be determined by the three Trials on the Mine.

ART. LXIV.

We say, That no Miner nor Miners shall set any Fires in any Rake or Vaine, where the Neighbours are in danger there, before four of the Clock in the Afternoon, and likewise shall give their Neighbours lawful Warning, upon pain for every such Offence to forfeit to the King, or his Farmer forty Shillings.

ART.

ART. XLV.

We say, that all Possessions ought to be Stows pinned with Wood, and not with Nails, or Iron Pins, and ought to have a Yoking under the Stows; four such Pieces of Wood as will make a Yoking and no other, to be deemed a good Possession in the King's-field.

ART. XLVI.

We say, if any Person or Persons do set Possessions, that are not good and lawful at the setting, any Person may take the Ground, where such Possessions stood, without any notice given by the Barr-master to the Owners of the bad Possessions to amend the same.

ART. XLVII.

We say, if any Person or Persons shall abet, or assist any other Person or Persons to obstruct, or hinder any Deputy Barr-master in doing his Duty on the Mine, or to assault or abuse any Barr-master, each Person so offending shall forfeit for every time to the King, or his Farmer 10 s.

ART. XLVIII.

other Person or Persons do free, or pay a Meare Dish of Ore for a Meare of Ground in any old Rake, he or they must begin at the next Meare-stake, if it will be found within length, and have his or their Meare of Ground measured all one way from the Stake; and if there be no Stake found, he or they shall have one half one way, and the other half the other way from the first Breach of his Ground.

The Form of a Bill of Complaint, put up at the Great Barmott-Court.

John Woodhave, and his Grove-fellows, complain themselves to this Court, against William Holdfast and Robert Nonpay, or any one that claims under them, or either of them, for not coming in and keeping company with them, at the old Edge-grove in the Hucklow Rake-Vein, being within the Liberty of Hucklow and Jurisdiction of this Court, for not paying the Sum of four Pounds, which is due for them to pay, being 40 s. a-piece for either of their eight parts to pay, and therefore craves Relief of this Court.

The

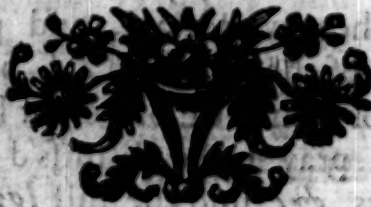
The Form of a Cross-Bill at the same Court.

Whereas *John Woodhave*, and his Grove-fellows have complained themselves to this Court against *William Holdfast* and *Robert Nonpay*, or any that claims under them, or either of them, for not coming in and keeping Company with them at the old Edge-Grove, in the *Hucklow* Rake Veine, being within the Liberty of *Hucklow* and Jurisdiction of this Court, and for not paying the Sum of four pounds, being 40 s. a-piece for either of our eight Parts: We, theafore-said *William Holdfast* and *Robert Nonpay*, do hereby declare, and prove the Payment of the aforesaid 4 l. being 40 s. a-piece for either of our eight Parts, and therefore pray to be dismiss'd; and we the Jurors, &c. find the Bill *Ignoramus*.

Tho. Roberts, June the 3d. 1729.

A Rest three of the first Takers Meares, and the Possessions for three of the first Takers Meares North-eastwardly, at a Mine or Ground, call'd *Deepdalle*, alias *Deept-Dale*, alias *Deep-Dale* Head Mine,

Mine, or Ground lying within the Liberty of *Tadington* and Hundred of the High-peak, at the Suit of Mr. *Robert Moor* and Mr. *Hugh Sheldon*, and as many of their Partners as will join with them in this Suit, Plaintiffs, against *Rob. Daken*, *Ralph Orme*, and *Edward Rowland*, and every other Person or Persons, claiming or to claim, from, or under them, or any of them Defendants, in an Action of Title.



Ashford
 A Right Honorable of the said County of Middlesex, for three of the first Takers of the said Mine or Ground, called *Deep-Dale*, alias *Deep-Dale*, Head Mine,

Ashford ff. Cur' Magn' Barmos' prae no-
 bilis Will'i Comitis Devon' tent' ib'
 undecimo die Octobris Anno Regni
 Domini nostri Caroli Dei Gratia An-
 gliae, Scotiae, Franciae & Hiberniae
 Regis, secundo, Fidei Defensoris, &c.
 1626.

Geo. Frost

Tho. Holme

John Andrew

Edward Vallour

Tho. Ball

Geo. Crawshaw

Fra. Robinson

Thomas Sheppard

Godfr. Barker

Oliver Barton

Godfr. Bolar

Thomas Hiblyn

Wm. Hadgkinson

John Biston

Reginold Grunday

Richard Milner

Wm. Tarksley

Jurors.

Walter

Walter Bramall
Alex. Gill
John Frost
Richard Clowes
George Bretnor
Wm. Glasbrooke
Richard Storkey

} Jurors.

ART. I.

THE said Jury saith, That the Miners and Officers have had for the time, whereof the Memory of Man is not to the contrary, all the Lead Ores gotten within this Lordship for nine Shillings the Load or under, according to the Custom there used, except such Ore as hath been wrongfully carried away and convey'd by vulgar Miners; but it hath pleased the Lord to let and farm the said Lordships, the Officers have given more.

ART. II.

Item, Forasmuch as Complaint has been made in this Court, that divers Miners have been vexed, molested, and troubled by divers being Strangers, who have wrongfully gone about to arrest the within the Liberty of the Mine for Miners

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Matters, upon Actions at the Common Law; and some have been of late arrested indeed contrary to the Custom of the Mine: therefore the Jury at this present Court do present, and say, That by Custom and Use anciently used within the Mine, no Miner ought not in such Case to be molested or troubled by any but the Barr-master; and that it is a Breach of our Custom and Usage aforesaid, and Wrong and Injury to the Lord and Barr-master of this Liberty, and to the Miners, to whom such Course is offered and used. Furthermore, we find and present, that no Action or Actions are, or ought to be sued against any Miner, for any Duty or Duties, touching or concerning the Mine, or for or upon any Contract, made or growing, by reason or in respect of any mineral Cause or Matter, in any other Place or Court than the Barrmoot; in which^d Court, at all times, whereof the Memory of Man is not to the contrary, all such Causes and Matters have been determined, and are yet determinable in Course; of all which Premises the said Jury do further decree, order, and lay a Pain, that no Man do, or shall hereafter commit any such Offence

fence as is above specified, within the Liberty of the Mine of the said Lordship, upon pain to forfeit and pay to the Lord of the Liberty for every such Offence the Sum of forty Shillings, and to the Barr-master six Shillings and Eight-pence. And it shall be lawful for the Barr-master to levy upon any Goods, Grove or Groves, Meare or Meares, or Work within the Lordship, for such Offence committed.

ART. III.

Item, It is ordered, and a Pain set, that every Miner and Washer, working within this Lordship, shall make and dress their Ore gotten within the same Liberty in such sort, as the same shall be good sufficient Stuff at and by the Sight and Judgment of the Barr-master, and two of the Jury.

ART. IV.

Item, It is ordered, and a Pain set, that no Purcaser shall purchase or cave in any Man's Meare, except the Owner thereof give him leave, upon a pain to forfeit for every time that any one shall so offend Six-pence; and that they come not upon the Rake before the Miners be at their Work,

Work, and not to stay upon the Rake after the Miners be gone away, on pain of every Offence four Shillings and Fourpence, whereof to the Lord four Shillings, and to the Barr-master Fourpence.

ART. V.

Item, It is ordered, and a Pain set, that no Person shall use or carry any unlawful Weapons to any Grove or Groves, within this Lordship, upon pain to forfeit for every time so doing Twelvepence. And if any Man make an Assault or Fray upon the Mine, every such Person so offending shall forfeit to the Lord forty Shillings, and for every time Blood is maliciously shed, five Pounds.

ART. VI.

Item, It is ordered, and a Pain set, that no Person or Persons whatsoever, working upon any Parts of the Mines within this Lordship, being by any means and ways suspected or known to be of Misdemeanor, shall dig or get any Lead Ore within this Lordship, except he or they first put in sufficient Sureties for their good Behaviour, toward the Lord of this Manour, and the Barr-master and Deputies,

or else to depart out of this Lordship: and the Lord to take the Benefit of his or their Grove or Groves, Meares or Works, and that if any Person dwelling within this Lordship do, or shall keep any such Person or Persons, having not put in Sureties as aforesaid, they shall forfeit to the Lord for keeping every such Person or Persons, having lawful Warning thereof by the Bar-master, or other of the Lord's Officers, Twelve-pence to the Lord, and Four-pence to the Barr-master.

ART. VII.

Item, It is ordered, and a Pain set, that no Person or Persons shall buy any Ore within this Lordship, except the same be measured by the Lord's Dish, upon pain that he or they that buyeth any such, being known and prov'd, shall forfeit to the Lord ten Shillings, and the Seller to forfeit his Ore.

ART. VIII.

Item, It is ordered, and a Pain set, that if any Person or Persons do, or shall buy any Ore out of this Lordship, and bring the same into this Lordship, and do buy other Ore, and pour the same together,

gether, except it be lawfully measured by the Lord's Dish, the Party that shall be known, and proved so to offend, shall forfeit the whole Ore so mingled and poured together.

ART. IX.

Item, It is ordered, and a Pain set, That it shall and may be lawful for any Miner or Washer, within this Lordship, to fetch and carry Water from any Pool or Damm within this Lordship, to wash their Boose and Ore withal, where they have been usually accustomed; so that every Miner and Washer be contented to be Contributory to the repairing of such Places within convenient Time, after warning be given to the Barr-master, in that behalf; and that no Person shall stay or disturb any Miner or Washer, within this Liberty, upon pain for every time so doing three Shillings and Four-pence to the Lord, and Twelve-pence to the Barr-master.

ART. X.

Item, It is ordered, and a Pain set, that no Person or Persons shall carry away any Ore in the Night, that is to say, after Day-light, or before Day, from any

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Rake

or else to depart out of this Lordship: and the Lord to take the Benefit of his or their Grove or Groves, Meares or Works; and that if any Person dwelling within this Lordship do, or shall keep any such Person or Persons, having not put in Sureties as aforesaid, they shall forfeit to the Lord for keeping every such Person or Persons, having lawful Warning thereof by the Bar-master, or other of the Lord's Officers, Twelve-pence to the Lord, and Four-pence to the Barr-master.

ART. VII.

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ART. VIII.

Item, It is ordered, and a Pain set, that if any Person or Persons do, or shall buy any Ore out of this Lordship, and bring the same into this Lordship, and do buy other Ore, and pour the same together,

gether, except it be lawfully measured by the Lord's Dish, the Party that shall be known, and proved so to offend, shall forfeit the whole Ore so mingled and poured together.

ART. IX.

Item, It is ordered, and a Pain set, That it shall and may be lawful for any Miner or Washer, within this Lordship, to fetch and carry Water from any Pool or Damm within this Lordship, to wash their Boose and Ore withal, where they have been usually accustomed; so that every Miner and Washer be contented to be Contributory to the repairing of such Places within convenient Time, after warning be given to the Barr-master, in that behalf; and that no Person shall stay or disturb any Miner or Washer, within this Liberty, upon pain for every time so doing three Shillings and Four-pence to the Lord, and Twelve-pence to the Barr-master.

ART. X.

Item, It is ordered, and a Pain set, that no Person or Persons shall carry away any Ore in the Night, that is to say, after Day-light, or before Day, from any

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Rake

Rake within this Lordship, upon pain to forfeit to the Lord for every time so doing, and being taken and proved, five Shillings.

ART. XI.

Item, It is ordered and a Pain set, That if any Person or Persons dwelling or working within this Lordship, shall deny or withstand the Barr-master, the View or Sight of his or their Ore, that he or they shall have in their Meares, Coes, or Houses, or in any other, his or their Custody, within this Lordship, they shall forfeit for every such Offence to the Lord forty Shillings, and to the Barr-master four-pence.

ART. XII.

Item, It is ordered and a Pain set by the Jury, That no Essoigne shall be taken for any Miner, that hereafter shall be absented from the Court Barrmote; being in health and absenting himself, he shall forfeit to the Lord six-pence, and pay the same within six days, if it be asked by the Barr-master, or else to double the said 6*d.* until it comes to five Shillings.

ART.

ART. XIII.

Item, It is ordered and a Pain set down by the Jury, that if any Miner shall fortune to be overlaid in any of the Mines, that then it shall be lawful for the Barr-master, and two of the Jury, at their discretion, to call and appoint any Miner or Miners whatsoever, within this Lordship, for the speedy getting and relieving of any Person or Persons distressed or overlaid, upon pain for every Person or Persons so denying, to forfeit ten Shillings to the Lord: and if there be any poor Man overlaid in any Grove, and be not able to pay for getting off themselves, that every Miner shall pay according to his Estate, at the sight of the Barr-master, and two of the Jury, and for Timber-work, whatsoever it be, the Miners shall not deny, their Timber being paid for the same, in pain for every time so doing to forfeit ten Shillings to the Lord.

ART. XIV.

Item, It is also agreed upon by the Jury, That it shall be lawful for any Miner within this Lordship, to sell any Grove or Groves within the same, to any

Man, paying the Lord and the Barr-master their due for the same.

ART. XV.

Item, It is ordered and a pain set, That if any Person or Persons take away from any Man's Work Timber-pirks, or any thing concerning the Occupation of the Mine, without the Owner's Consent, being known and proved, he or they shall forfeit for every time five Shillings, whereof three Shillings and four-pence to the Lord, and twenty-pence to the Party grieved.

ART. XVI.

Item, It is ordered and a Pain set down by the Jury, That all Grounds, Crosses and Holes, that are not in lawful Possession, shall not only within six days be set in lawful Possession, but they shall work them effectually, according to the custom of the Mine ; and that no Crosse nor Hole, shall stand or prevail any longer than a Day and a Night, and that it shall be lawful for any Man to work them for their *best Profit, Commodity and Advantage, except it be in Arable Land,* being a new Rake ; in which, for the saving of the Land, a Crosse or Hole, shall

shall serve till the Rake be threeded on from one to the next, and no longer.

ART. XVII.

Item, It is ordered and a Pain set, That no Man shall come to any Workman, that doth work his Grove or Ground truly, by any colour, to claim his Ground, or to take him up to stop the Field; but the first Workman shall work, and the Claimers shall take the Law, and the Barr-master shall do ~~him~~ the Law truly; and it shall be lawful for the Barr-master, and two of the Jury, to go into any such Grove or Groves, for the better deciding the Truth and Reformation of the same. If any Miner deny or offend herein, he shall forfeit for every time to the Lord of the Manour forty Shillings.

ART. XVIII.

Item, It is ordered and a Pain set, That if any *Action* or *Actions* be commenced in the Court Barrmote, by any Person or Persons, for to try the Issue, if the Plaintiff will not follow his Suit, the Defendant shall have his Title, the Barr-master shall appoint a Court

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within

within ten days, or so shortly after as may be, and the Barr-master to give two or three days warning to the Miners for their Appearance to the said Court; and if the Barr-master do not keep a Court, upon request to him made, then he shall forfeit for every Court not kept ten Shillings.

ART. XIX.

Item, It is ordered by the said Jury, That if any Miner take possession of any Meare, within any old Rake, where no Mine is to trouble him, the first Taker may have his Meare which way he will.

ART. XX,

Item, It is ordered and a Pain set down by the Jury, That whereas many Rakes within this Lordship, the Miners do use to set Fires to get down their Works, and the Danger thereof is great, if special care be not taken therein; that every such Miner take a convenient time, and give his other Neighbours working near him, or them, timely Notice, what time he will lay or set the Fires, on pain of every Man offending herein, to forfeit to the Lord forty Shillings.

ART.

ART. XXI.

Item, We do present and say, That if any Person or Persons do steal, or feloniously take away any Man's Ore from his Groves or Meares, if it be under the Value of thirteen-pence half-penny, that then the Barr-master shall punish every such Offender in the Stocks, Pillory, or otherwise, as it is meet for such Offenders to be punished: if any Ore above the Value, or of the Value of thirteen-pence half-penny, be stolen as aforesaid, we say, it is Felony, notwithstanding any surmised, feign'd, or imagined Custom amongst us used to the contrary; and that all Persons, receiving, aiding, or comforting such Offenders, knowing them to have committed any such Offence as Felonies, to be accessory to the same.

ART. XXII.

Item, It is ordered and a Pain set, That no Person or Persons whatsoever, shall bring to *the Rake* any *Nuts, Apples, Pyes, Aqua Vite, Spice, or any other Grocery Ware,* to any Man's Grove or Groves, Meare or Meares, upon pain for every one so doing, and taken by the

Barr-master, or Deputy, or Deputies, to forfeit such things so brought and taken

ART. XXIII.

Item, It is ordered and set down by the Jury, That the *Barr-master and his Deputies, or Deputy, shall come to measure every Week upon Saturday*, all such Ore, as *shall be then ready to be measured at any Grove or Groves, Meare or Meares whatsoever; and if any caue any Miner or Miners, to dress any Ore of any other Day*, that then they shall demand of the Barr-master, or his Deputy, or Deputies, such Grove or Groves: and if the said Ore *be not taken away within three Days next after the same is measured by the Barr-master, upon pain to forfeit the same* so measured and not carried away within the aforesaid time, *to the Lord of the Manour, the said three Days being Work-days.*

ART. XXIV.

Item, It is ordained and a Pain set down by the Jury, That all such Ore, being under the Value of a Load, that is taken by the Barr-master, or his Deputies, or Deputy, not lawfully measured by the
Lord's

Lord's Dish, is forfeited to the Barr-master.

ART. XXV.

Item, It is ordered, and a Pain set down by the Jury, That no Person or Persons, dwelling without this Lordship, shall have any Ore-houses within this Lordship, except he, or his Landlord, enter into Bond for his true dealing towards the Lord of the Manour, having lawful Warning given him by the Barr-master or his Deputy, for every time so offending, he shall forfeit to the Lord forty Shillings, and to the Barr-master six Shillings and eight-pence.

ART. XXVI.

Item, That the Barr-master and the Jury shall find the Miners the next way to the Highway, to fetch and carry Water, and that they shall not be stayed or stopped, upon pain for every time so hindered, the Party that stayeth them to forfeit twelve-pence.

ART. XXVII.

Item, That all Miners shall have sufficient Room for laying of their Earth and Baggage, according to their ancient Custom.

ART.

ART. XXVIII.

Item, That where any Man has a Buddle Trough of his own, by the Custom of the Mine, he ought to have seven Foot about his said Buddle; and no Person or Persons shall dig, shovel, or delve nigh unto the said Trough, within the space abovesaid, upon pain for every time so doing, to forfeit to the Barr-master four-pence.

ART. XXIX.

Item, That no Person or Persons shall dig, delve, or shovel, at or about any Man's Bing-Place, upon pain to forfeit for every default four-pence to the Barr-master.

ART. XXX.

Item, By the Custom of the Mine, we find it to be lawful for every Miner or Miners, being the King's liege People, to dig, delve, search for, and turn up any Grounds, Lands, Meadows, Closes, Pastures, Moors, and Marshes for Oremines, of whose Inheritance or Possession soever it be; provided always, that if the same so digged be not lawfully wrought, according to the Custom of the Mine, that then it shall be lawful for
the

the Owner of such Ground or Grounds to fill the same again at their own pleasure.

ART. XXXI.

Item, The Custom is, That every Miner shall have to a Meare *twenty-nine Yards* in length, according to the Custom.

ART. XXXII.

Item, That no Person or Persons shall keep any Dish, Gauge, or other counterfeit Measure within the said Lordship, upon pain for every Buyer or Seller, so taken, or proved, to forfeit to the Lord of the Manour for every time ten Shillings, and the Barr-master to take from them any such Gauge or Dish, to use at his own discretion.

ART. XXXIII.

Item. That no Buyer shall touch the Lord's Dish, or put his Hand thereunto, to the intent to mend his Measure; but the Barr-master, or his Deputy, or Deputies, to be indifferent between the Buyer and the Seller, upon pain to forfeit for every time so doing fourpence to the Barr-master.

ART.

ART. XXXIV.

Item, That if there be any Man that hath any Ground, Meare, or Groves in the Mine, called the *Lord's-Field*, he shall keep them in Possession with Stowfes, and Timber in all Mens sight, according to the Custom ; or else it shall be lawful for any Man to work there, to their best advantage.

ART. XXXV.

Item, That no Person or Persons shall repair to any Gentleman or other, to sell or give any Grove or Groves, or Grounds, in variance for maintenance of the Suit, for every one so proved to forfeit his said Grove or Grounds, and the Party that do take any such Grove or Grounds, to forfeit forty Shillings to the Lord, and Sixpence to the Barr-master.

ART. XXXVI.

Item, The Custom of the Mine is such, That if any Person or Persons will make any Title or Claim, in, or to any Man's Meare or Meares, Grove or Groves, they ought first to arrest the same, according to the Custom ; and the Defendant ought to lay in sufficient Sureties to the Barr-master

master or Plaintiff, to answer the Action or Actions, at the next Court of Barr-mote, as shall be attained against him upon the Arrestment; and to pay all such Debts, as shall be awarded against him by the Verdict of twelve Men; and the Barr-master shall appoint a Court within ten Days after. And if the Plaintiff do not follow the Suit, he shall forfeit to the Barr-master six Shillings and eightpence: and the Barr-master for want of a Court shall forfeit ten Shillings to the Lord.

XXXVII.

Item, The Custom of the Mine is, That the Lord shall have the first Choice of the Ore in the Lordship, doing as another Man will do; and if the Miners have received any Money of any other Man before-hand, that then the Miner shall pay all such Debt without the lett or hindrance of the Barr-master, so that it be not done with Fraud or Deceit.

ART. XXXVIII.

Item, We do order, That if any Servant arrest any Man's Ore for Wages due, and bring just Proof thereof to the Barr-master; then the Barr-master shall take
so

so much Ore as will satisfy the Servant or Servants, which he or they demand according to the Truth, so far as he can prove; and that no Servant shall be put to no Trial of a Court for any Wages so proved to be due.

ART. XXXIX.

Item, It is ordered and a Pain set down by the Jury, That if any Man pull in any Man's Work that hath the Possession of the same, or cut, or pull in pieces any Stowfes, or Timber, to hinder him from working, he or they so doing, shall forfeit to the Lord five pounds; to the Perty grieved three Pounds six Shillings and eight-pence, and to the Barr-master thirty-three Shillings and four-pence.

ART. XL.

Item, It is ordered and a Pain set, That if there be two or three or more Partners at a Grove, if there be any of these said Partners that find Excuses, and will not pay their Charges according as they ought to do, at the sight of the Barr-master, and two of the Jury; then the Barr-master and two of the Jury, shall dispose of their Parts to the rest of the Part-

Partners, that will pay their Charges within two Days after they demand the same.

ART. XLI.

Item, We lay a Pain, That every Miner and Miners, that have any Grove or Groves, within this Lordship, shall set them in good and sufficient Repair before *Martlemas-day* next coming, or else it shall be lawful for any other Man to work them, according to the Custom of the Mine within this Manour.

ART. XLII.

Item, It is ordered and set down by the Jury, That every Miner working and getting Ore within this Lordship, shall pay for every Load he or they get three-pence, towards the paying of such Charge as is already spent, and shall hereafter be spent in the Suit, for the Tythe Ore, which is claimed; and the same three-pence shall be paid or left in the Hands of the Buyer, to be paid by him to the Barr-master, or his Deputy, with the Cope: and the same Payment to continue so long as shall be needful for discharging the same Suit.

ART.

ART. XLIII.

April the twenty-eighth *Anno Domini* 1671.

Item, We of the Jury say, That if any Miner, by the Grace of God, find a new Vein, the first Finder shall have two Meares for his finding, and the Lord the third; and every Miner to be served with a Meare according to his taking, so long as the Mine will last, although the Possession of such taking Miner be set for his Taker-Meare, shall fall to be set within the length of the Founder or Lord's Meare, or Taker-Meare, when the Barrmaster shall lay forth the same to be removed and set forward, according to their several taking.

ART. XLIV.

Item, We of the Jury say, That if any freed Meare be out of Possession six Days, and not put in Possession in three Days after, it shall be lawful for any Man to take, being justly proved, except in case when the Possessions be gone by indifferent Means, and except *Christmas, Easter* and *Whitsuntide* Holidays.

John Waterhous,
Richard Wright,

Wm.

Wm. Warrington.
Abraham White,
Henry Hunt,
Tho. Outrim,
Ellis Bramwall,
John Heward,
John Turneley,
Thomas Lowe,
Joseph Wright,
Thomas Dowtrim,
John Hancock,
George Hodgkinson,
Jeremiah Heathcoate,
John Cocker,
Richard Fetty,
Richard Lee,
John Backster,
William Cowper,
Robert Gill,
John Holme,
Henry Bamford,
John Howard.

To Mr. Wm Flint, *Barr-master of Longston, in the Manour of Ashford.*

For the Plaintiffs, the Arrest 29 Oct. 1729.

YO U are desired to arrest the 4th and fifth, and all other Taker Meares of Ground (all but a 48th part) at *Buxton* and *Robinson's Founder, alias Barks Grove* or *Founder*, being on *Wardlow-Moor*, in the said Manour; the said Taker Meares lying South-eastwardly from the said Founder, at the Suit of *Leonard Stona, John Nedder, John Steer, Thomas Cawthorne, and Robert Clay*, and their Grove-fellows, Plaintiffs, against *Francis Morton, John Buxton, Samuel Blackwell, Richard Frost, and David Feepound*, and all other Person or Persons whatsoever Partners, or reputed such, at the said *Buxton, Robinson, alias Barks Grove*, or *Founder*, or any claiming under them, or any of them, Defendants, in an Action of Title.

Plain-

Plaintiffs Title.

THEY say, *John Boden* was possessed, and died in lawful and mineral Possession of the very Meares of Ground in Question 2d *January 1727*; that, by his Death, they descended and came to *William Boden*, his only Brother and Heir; of whom, and under whose Title, the Plaintiffs purchased. *Richard Frost*, and *David Feepound* discovered the Ore under *William Boden's* Possessions; and *Feepound* went to *Boden*, then living in another County, secretly, to purchase of him his rich Grove, for a Trifle: but not coming at his purpose, then told *Boden*, he would buy a 48th part, and would honestly account to him for all the rest of the Profits of the Mine, called by the Name of the *Whomes*; but, instead of doing so, he confederated with *Frost*, and they changed the Name of the Mine to *Kacklemacle*, to keep it unknown to *Boden*, who lived remote. The Mine proving rich, they sold some Parts, and gave others to defend it in Law-suits; and at last these Confederates agree with an

ancient Mine, called *Barks*, and had two sham Trials, and by *Barkes's* Title: a bad Jury, and wicked Evidences, they jostled *Boden*, and the Claimers under him, out of their just Right; and soon after their Ore went out.



The



The first 24 in the ARTICLES of the
MINE, in the Liberties of *Eyam* and
Stony-Middleton.

Peter Hawkesworth,
Thomas Rowland,
George Skidmore,
Robert Hawksworth,
Thomas Sydall,
Philip Mossley,
Robert Masland,
Richard Bland,
Joseph Hallam,
Roger Sellers,
George Hallam,
Ralph Lingard,
Thomas Mossley,
George Flint,
William Charlesworth,
Thomas Garrell,
Michael Newton,
Hugh Daniel,
Godfrey Rowland.

*Robert Hill,
Robert Boar,
Peter Bagshaw,
John Oliver,
John Barber.*

ART. I.

THAT the Barr-master, by the Consent of the Jury, shall make a lawful Dish between the Buyer and the Seller of Lead Ore, and against a good Time, (or Festival) as *Christmas, Easter,* and *Whitsuntide*, &c. shall give to the Poor two Dishes, if need require, if they be lawfully called for, on pain to forfeit for every Default three Shillings and four-pence.

ART. II.

The Miners shall have the next Highway to the Wall; if they be stopped, the Offender shall forfeit every time one Shilling to the Lord.

ART. III.

There shall no Purcasers let out Water, out of, or from any Man's Trough or Buddle, upon the Mine; in so doing to forfeit for every Default two-pence.

ART.

ART. IV.

No Purcaser shall purchase in any Man's Ground but his own, without Licence from the Owner, on pain to forfeit the Ore to the Owner of such Ground, and twelve-pence a time to the Lord, as often as they shall be taken, &c.

ART. V.

Every Miner that hath either Wash-trough or Buddle, upon the Mine, shall have the space of seven Foot about the said Trough or Buddle; or if any Person or Persons do dig, delve, or shovel nigh the said Trough or Buddle, within the said Space, shall forfeit for every time so doing four-pence.

VI.

And the Miners shall have sufficient Room to lay their Feigh in, according to Custom, &c.

ART. VII.

If any Miner, or other Person, have Ore to be measured, if the Barr-master have Knowledge of the same, and will not come and measure it, they may take

two of the Neighbours, and deliver the same to whom they will, so that they discharge the Duties according to Custom.

ART. VIII.

No Person or Persons shall dig, delve, or shovel about any Man's Bing-place, in pain to forfeit every time four-pence.

ART. IX.

If any Person or Persons, do take away any Stowfes, Timber, or any other thing belonging to the Mine, without leave from the Owner thereof, for every Offence of that kind, to forfeit five Shillings; whereof twenty-pence to the Lord, and three Shillings and four-pence to the Party grieved,

ART. X.

That no Cross or Hollow, shall possess the Ground any longer than three Days; and if it be not stowfed the fourth Day, it is lawful for any Man to possess it: and if it be not lawfully stowfed and yoaked within three Weeks and one Day, it may be lawful for any Man to possess it, &c.

ART. XI.

That all Miners within the Lord's Field, shall have the next Wood belonging to the
the

the Lord, within the Lordship to stowse and Timber under the Earth ; and therefore they pay the Lots, and also shall have the next Water to their several uses.

ART. XII.

No Person or Persons shall buy any Ore unlawfully measured, but the same to be measured by the Lord's Dish, upon pain to forfeit for every such Offence ten Shillings to the Lord, and the Seller to forfeit his Ore.

ART. XIII.

It is lawful for all the King's liege People, to dig, delve, subvert, and overturn all manner of Lands, Meadows, Commons, Closes, Pastures, Meares, Marshes for Ore, in whose Inheritance soever or Possession the same be: and if any arable Land or Meadow, be wrought out, and digged up according to Custom of the Mine, the Owner may fill it up again at his own Will and Pleasure.

ART. XIV.

No Person or Persons shall keep any Gauge, or counterfeit the Lord's Dish or Measure, to measure any Ore withal in
their

their Houses, Coats, or any other Place; and that every Person shall buy and sell by the Lord's Dish, and no other to be had and used amongst them, or any of them, for every Buyer to forfeit ten Shillings to the Lord, and the Seller to forfeit his Ore, by any such Gauge or Measure, so bought and sold.

ART. XV.

The Barr-master shall keep two great Courts Barr-mote every Year, at or about the Feast of *Easter*, and St. *Michael* the Archangel, and every three Weeks a small Court, if need require, in pain to forfeit three Shillings and four-pence.

ART. XVI.

If any new Rake or Vein be found, (by the Grace of God) by any Miner, or other Person, the first Finder ought to have two Meares, and the Barr-master the next for the Lord : and so Meare after Meare, to such Miners, as do first require, so long as the said Rake or Vein shall continue.

ART.

ART. XVII.

If it happen, that a Miner be damp'd, murther'd, or slain by Misfortune, in any Grove, neither Coroner, nor any such Officer, shall meddle ; it may be determined by the Barr-master or his Deputy.

ART. XVIII.

If any Miner do make Default, and do not appear at the great CourtBarmote at the first, they shall be amerced twopence ; at the second time four-pence ; and so double till it comes to five Shillings and four-pence ; whereof five Shillings to the Lord, and four-pence to the Barr-master. The Ore Buyers to be amerced ten Shillings.

ART. XIX.

The Barr-master shall not measure any Man's Ground until there be Ore got in the same Ground, to free the same.

ART. XX.

The Ore Buyers shall not touch the Lord's Dish, nor put his Hand into it, to the intent to make great Measure, in pain to forfeit for every Default four-pence ;

pence ; but the Barr-master to be indifferent both for Buyer and Seller.

ART. XXI.

No Man shall come to any Workman which doth work in the Mine truly; by any Colour of Title, to claim the Ground to the intent to stop the Work ; but the first Workman shall work, and the second shall have the Benefit of the Law.

ART. XXII.

If there be any Gentlemen, or others, that have any Groves or Meares of Ground, he or they shall have the same in lawful Possession, both Stowfes and Timber, in all Mens sight ; or else it shall and may be lawful for any Man to work the same Ground to his best advantage.

ART. XXIII.

No Person shall go to any Gentleman, or others, to give or sell any Groves or Meares of Ground in variance, for maintenance of the same, upon pain for every Man so doing to forfeit the same Ground or Groves ; and the Taker or Buyer of them, to forfeit forty Shillings.

ART.

ART. XXIV.

If any Person do make or counterfeit the Lord's Dish, to meet any Ore with, if it be above a Load, every Person so taken, shall forfeit ten Shillings to the Lord, and the Ore: and if it be but a Load, or under, the Barr-master shall have it.

ART. XXV.

If any Person or Persons, do make any Claim or Title, in, or to any Groves, Shafts, Rakes, or Meares of Ground, they ought to arrest the same; and the Defendants ought to be bound in sufficient Bonds and Sureties to the Plaintiffs, or Claimers, not only to make Answer at the next Court Barrmore to such Account or Accounts, as shall be attempted by the Claimers to the Arrest, but also to yield so much to the Party, if the Defendant be cast and condemned by a Verdict of twelve Men: and also, the Barr-master shall keep a Court within ten days, or so shortly as conveniently may be. And if the Plaintiff do not follow his Suit upon the Arrest, then he is to forfeit to the Barr-master six Shillings and eight-pence, and his Suit also; so that the
Barr-

Barr-master do keep a Court as is afore-said ; and the Barr-master to forfeit for every Default ten Shillings.

ART. XXVI.

If any Person or Persons do take or steal away any Ore, from any Man's Grove or Coat-houses, or any other Place, either bolted or unbolted, if it be under the Value of thirteen-pence half-penny, the Barr-master shall punish such Offenders with Stocks or Pillory, or otherwise ; and if it be above the aforesaid Value, it is Felony : and if any Person do assist or maintain any such Person, knowing them to have committed any such Offence, or Felonys, he is to be an Accessary to the same.

ART. XXVII.

If any Miner do work in any Meare of Ground, Shaft, or Rake, according to the Custom, there shall no other Person cast or do any other thing, which may be prejudicial to any other Groves or Shafts belonging thereto, on pain of every time so offending to forfeit forty Shillings.

ART.

ART. XXVIII.

The Barr-master, or his Deputy, shall go every Week once or twice through, or over the Lordship, and to the Rake or Mines in the whole Lordship; and where he findeth any of these Articles broken and not kept, he shall endeavour himself to enquire thereof, and punish the Offenders at the next Barr-mote Court from time to time.

ART. XXIX.

There shall no Person bring any unlawful Weapon to the Rake or Mine, in pain to forfeit every time so offending three Shillings and four-pence: and if any Person make any Assault or Fray upon the Rake, every Person so offending shall pay five Shillings and four-pence; and if it be not paid the same Day, to double daily, till it come to or amount to forty Shillings: and if any shed Blood upon the Rake, it is five Shillings and four-pence; and if it be not paid the same day, to double daily till it come to one hundred Shillings.

ART. XXX.

No Person shall cave Ore in any Man's Ground but their own, in pain to forfeit the Ore so caved, to the Owners of such Ground, which has been so caved; and every such Cavers to forfeit five Shillings to the Lord.

ART. XXXI.

That the Lord of the Field shall have the first Choice of buying the Ore in the Lordship, giving for the same as another will give: and if any Miner hath received any Money before hand of any Owner, he shall pay the said Debts to the Parties aggrieved, without lett of the Bargain, so that it be without Fraud or Deceit.

ART. XXXII.

That every Miner shall have thirty two yards to his Meare, according to the Custom.

ART. XXXIII.

That any Miner may give, grant or sell his Groves, or Meare or Meares of Ground, when the same is freed, to whomsoever he will, without Licence of the Lord or Barr-master.

ART.

ART. XXXIV.

If any Miner does wrong, or be vehemently suspected to do wrong, to any other Miner in any Grove within the Mine, the Barr-master may take two of the Inquest, being paid for their pains, and go into the said Ground to view the same: and if the Owner of any such Ground do deny them to go into the said Ground, he shall forfeit for every time so denying them ten Shillings.

ART. XXXV.

If any Person do sell his Grove before it be freed, it is a Forfeit to the Lord.

ART. XXXVI.

That any Miner may take or possess half a Meare of Ground, if it happen betwixt two Takers, or parting of Liberties, paying Duties for the same to the Lord, according to Custom.

ART. XXXVII.

If any Persons having any Groves in the Mine, and let them stand unwrought nine Weeks together, unless they want

Wind,

Wind, or be hindered with Water, they are forfeit to the Lord.

ART. XXXVIII.

That no Ore Washer, neither with Sieve nor Buddle, shall let Water into the Rakes or Mine, to the hindrance or prejudice of any Mine or Miners, upon pain for every Fat full, or every Buddle full so poured, to forfeit twelve-pence.

ART. XXXIX.

That no Purcaser shall remain on the Rake or Mine, after the Miners have given over their Work, nor come to the Rake or Mine, before the Miners come to their Work, on pain to forfeit for every Offence, being evidently proved, twelve-pence.

ART. XL.

That no Person ought to sue any Miner for any Ore Debts, or any Grove, or Groves within the Mine, in Variance, but only in the Court of Barrmote; if they do contrary, they shall lose their Debt, and pay the Charges in the Law, and no Officer shall serve any Writ, Warrant, or Process upon the Miner,
or

or in the Mine at their Work, or when any shall come to the Lord's Court Barrmote, but only the Barr-master, or his Deputy.

Jury's Names.

George Eales,
Francis White,
Godfrey Tor,
James Mower,
Thomas Mossley,
Dennis Ragg,
Holm Torr,
Thomas Foyle,
William Needham,
Anthony Sorsby,
Roger Sellers,
Thomas Outram,
Robert Townend,
Christopher Chapman,
John Swindell,
John Wardell,
Ralph White,
Robert Townend, Jun.
Robert Wood,
Ralph Barber,
Joseph Hallam,
John Wilde,

George Coats,
Thomas Garrat.

We do find all these aforesaid Articles to be good, and do allow the same.

Thomas White,
Nicholas Daniel,
George Swift,
John Barber,
Thomas Frittle,
Thomas Rowland,
Thomas Mossley,
Robert Shale,
Thomas Chapman,
Thomas Gregory,
Edmund Groudey,
Richard Brushfield,
John Brittlebank,
Nicholas Hill,
James Sorsby,
John Mossley,
John Swindell,
John Lee,
William Sellers,
John Daniel,
Nicholas Deplege,
George Coats,
George

*George Sydall,
Robert Johnson.*

ART. XLI.

We, the Jury aforesaid, at the great Court Barrmote, holden for the Manour of *Eyam* and *Middleton* the first Day of *May* 1652, for the Lords of the Manours aforesaid, do find all these aforesaid Articles to be good, and do allow and confirm the same, *April 20, 1654.*

ART. XLII.

Item, That no Person shall fire at any Place of the Mine, where their Neighbours are in any Danger thereby, nor before four a-Clock in the Evening, excepting *Saturdays*, without lawful Warning, in pain to forfeit to the Lord five Shillings. *October 19, 1654.*

Jury. *Francis Stephen,
Francis Needham,
Bongham Poynton,
William Sydall,
John Swindell,
William Allen,
John Jackson,
Mart. Needham,*

Robert Fox,
William Mossley,
Godfrey Foolow,
George Garlick,
John Hadfield,
Nicholas Daniel,
Hugh Bramall,
Thomas Chapman,
Peter Wilde,
Francis Drabble,
Robert Shrowsby,
Richard Davison,
Thomas Sellers,
William Bowley,
John Daniel,
Thomas Wilde,

ART. XLIII.

That if any Person hath any Groves,
 that stands nine Weeks together, and
 neither wants Wind, nor hindered with
 Water, the Barr-master is to give notice
 to the Parties, by way of Arrest. And
 if the Owners do not come and work it
 effectually, it shall be forfeit to the
 Lord, *N. B.* This is to explain the 28
 and 37 Articles, &c.

ART. XLIV.

We, whose Names are hereafter subscribed, being the Body of the Mine, the Day and Year above written, do conclude and agree, That if any Meare of Ground or Possession be void of lawful Possession fourteen Days together, it is and shall be lawful for any Miner to possess the same to his best Advantage.

Jury.

Item, *Francis Garrat,*

Dennis Ragg,

Francis Cheshire,

Robert Sellers,

William Wilde,

Thomas Barber,

Wm. Ainsworth,

Robert Fox,

Robert Oliver,

William Crane,

Roger Gregory,

Robert Fox,

Francis Wilde,

Francis Hallam,

Richard Davison,

Francis Oliver,

John Daniel,

Thomas Tellot,

Robert Sellers,
Arthur Skidmore,
John Somers,
Nicholas Daniel,
Thomas Berry,
Thomas Heald.

ART. XLV.

We do find all our ancient Articles and Customs to be good, and do allow the same. ——— And we find, that if any Controversy arise, or be for Title of Ground, they that gets the first two Verdicts shall seize for the Title of the said Ground. And we do find, that if any Trespass be made under the Ground, the Party shall arrest for Title and Trespass both under one Arrest, according to Custom.

ART. XLVI.

We say, if any Miners, or any other Person be possess'd of a Meare or Meares of Ground, or Part or Parts thereof, and work it truly, according to the Custom of the Mine: If there be any Person or Persons, that shall and will make Claim or Title to the same, or any part thereof, that he or they shall come and make their Claims, either by themselves, or
 by

by some Agent employ'd by them, before the Barr-master, or his Deputy, and within thirty Days after the same shall be in Workmanship; and if denied of what he or they shall claim, he or they must arrest within fourteen Days after the said Claim or Denial, or else his or their Title shall be deemed unlawful, and to have no Plea for it in the Barrmore Court.

ART. XLVII.

We do say, that if any Person or Persons do sell his or their Grove or Groves, or any Part or Parts thereof, or likewise Possession or Possessions, within our two Liberties of *Stony Middleton* and *Eyam*, the Buyer and Seller of the same shall enter it or them into the Barr-master's Book, within ten Days after the Sale, or to forfeit three Shillings and four-pence to the Lord, and one Shilling and eight-pence to the Barr-master.

Thomas Drabble,

Joseph Burrows,

Francis Sharpe,

William Oldfield,

Thomas Clayton,

George Sydall,

Joseph

Joseph Mossley,
 Hugh Bagshaw,
 John Hallfield,
 Thomas Frogget,
 John Sellers,
 John Bagshaw,
 John Skidmore,
 Paul Fletcher,
 William Bradwall,
 Francis Mossley,
 William Clarke,
 Edward Barton,
 Isaac Humbleton,
 William Bramall,
 Joseph Sheldon,
 John Backing,
 David Bright,
 Samuel Skidmore.

ART. 1. The Barr-master, by the Consent of the Jury, shall make a lawful Dish.

2. The Miners shall have the next Highway to the Wall.

3. No Purcasers shall let out Water out of any Man's Trough or Buddle.

4. No Purcaser shall purchase in any Man's Ground but his own.

5. Every Miner shall have 7 Foot space about his Buddle or Trough.

6. The Miners shall have sufficient Room to lay their Feigh in.

7. If Barr-master refuse measuring, may take two Neighbours, and then deliver their Ore.

8. No Manner of Person shall dig, delve, or shovel about any Man's Bing-place.

9. No Persons shall take away any Possessions or Stowes from any Mine.

10. That no Cross shall possess the Ground, nor hold good longer than three Days.

11. All Miners shall have Wood from the Lord, and therefore they pay Lot.

12. No Persons shall buy any Ore, but what shall be measured by the Lord's Dish.

13. It is lawful for all People to dig for Ore in any Ground whatever.

14. No Person whatever shall keep any Counterfeit-Dish to buy Ore, or sell by.

15. The Barr-master shall keep two great Barrmote Courts, and one every three Weeks, if need be.

16. If any new Rake or Vein be found,

found, the Lord shall have a Meare according to Custom.

17. If any Miner be damp, the Barr-master, and not the Coroner shall meddle.

18. If Buyers of Ore and Miners don't appear at the two great Barrmote Courts shall be fined.

19. No Man's Ground shall be measured, until Ore be got to free the same.

20. The Buyer shall not shake the Lord's Dish to get larger Measure.

21. No Man shall stop the Work, the first shall work, and the second shall have the Law.

22. Possessions shall be in all Mens sight, else is nought in Law.

23. No Man shall give or sell any Mines, in variance, to any Gentleman whatever.

24. No Person shall make a counterfeit Dish to measure Ore by, if under a Load, the Barr-master shall have it.

25. If any Persons claim any Mine or Meares of Ground, they shall arrest the same, and the Defendant to be bound for Security.

26. If any Person steals from the Mine above 13 d. halfpenny, the Barr-master shall set him or her in the Stocks.

27. No Person whatever shall cast in or damage any other Mine, or Grove, belonging thereto.

28. The Barr-master or Deputy, shall go over the Mines once or twice every Week.

29. There shall no Person bring any unlawful Weapon to the Rake or Mine, of any kind whatever.

30. No Person shall cave Ore in any Man's Ground but his own, to forfeit five Shillings.

31. The Lord shall have the first choice of buying, giving as another will.

32. That every Miner shall have 32 Yards for his Meare, according to Custom.

33. That every Miner may give or sell his Mine, or any of it, when the same is freed.

34. Barr-master may take two of the Inquest to view any Difference in the Mine; forfeit 10 s. for refusing.

35. If any Person sell his Grove before it is freed, it is forfeited to the Lord.

36. Any Miner may take half a Meare of Ground betwixt two Takers.

37. If any Person lets his Mine stand
un-

unwrought nine Weeks, forfeits the same to the Lord.

38. No Washer shall let Water into the Rakes or Mine, to the prejudice of any Grove.

39. No Purcafer shall stay on the Mine or Grove, after the Miners have given over work.

40. No Persons shall sue for any Ore Debt, but in the Court of Barrmote ; if they do, shall lose their Debt.

41. The Grand Jury allowed all these Articles in *May* 1652, and confirmed the same *April* 20, 1654.

42. No Person shall fire at any Place of the Mine, where their Neighbours are in Danger.

43. If any Mine stands nine Weeks unwrought, the Barr-master shall give notice and arrest it.

44. If any Mine be 14 Days without lawful Possession, it may be taken up by any Man.

45. If any Controversy arise about Title, two Trials shall determine in Barrmote Court.

46. If any Person that claims any Mine, shall make it within thirty Days after

after Workmanship, and if denied, shall arrest in 14 Days.

47. The Buyer and Seller of any part of a Mine, shall enter the same in the Barr-master's Book, within 10 Days.





At the Great Court Barrmote, for the
Lead-Mines, held at *Wirksworth*, for
the Soak and Wapentake of *Wirk-*
worth in the County of *Derby*, the
10th of *October*, in the Year of our
Lord 1665.

The Inquisition of the late great Inquest
taken upon the Oaths of

Robert Haywood,
Ro. Sage,
Ri. Buxton,
Anth. Cotterill,
Edw. Weatcroft,
John Swallow,
Anth. Gell,
John Creswell.
John Topliss,
Geo. Wittecre,
Anth. Low,
Jam. Holehouse.

Robert Tipping,
 Math. Latham,
 Hen. Coats,
 John Bridden,
 Edward Bradshaw,
 Tho. Dakin,
 Pet. Brawling,
 Fran. Worthy,
 Edw. Rooper,
 John Twigg,
 Ralph Hange,
 John Roose.

ART. I.

WE say, upon our Oaths, that by the antient Custom of the Mines, within this Soak and Wapentake of *Wirksworth*, the Miners and Merchants at first chose themselves an Officer call'd a Barr-master, to be an indifferent Person betwixt the Lord of the Field or Farmer, and the Miners, and betwixt the Miners and Merchants; which Barr-master, upon finding any new Rake or Vein, did, upon notice given by the Miner, deliver to the first Finder two Meares of Ground, in the same Vein, each Meare in a Rake or Pipe-work, containing 29 Yards in length, and in flat

G

Work

Work 14 Yards square ; the which two Meares of Ground, the Miner is to have, one for his Diligence in finding the Vein, and the other for mineral Right, paying the Barr-master, or his Deputy, one Dish of his first Ore therein gotten ; and then the Barr-master, or his Deputy, is to deliver to the Lord of the Field, or Farmer, one Meare of Ground in a new Vein ; at either End of the aforesaid two Meares, half a Meare of Ground ; and then every one in such Rake or Vein, one Meare or more, according to their taking.

ART. II.

We say, if any Miner, or any other Person, set on any old Work, then the Barr-master, or his Deputy, is but to deliver him one Meare of Ground, on either side his Shaft half a Meare of Ground ; for which, of mineral Right, he is to pay one Dish of his first Ore therein gotten, and the Lord of the Field or Farmer, is to have no half Meare in an old Work ; but every one is to be served according to his taking.

ART. III.

We say, that no one ought to set an old

old Work or ancient Possession, without the Barr-master or his Deputy, and one or more of the Grand Jury or twenty-four of the Mine.

ART. IV.

We say, according to the Custom of the Mines within the Wapentake of *Wirksworth*, that Groves, Shafts, or Meares of Ground, kept in lawful Possession, are an Estate of Inheritance, and descend to the Heirs and Assigns of the Owners, and Wives to have Dowry in them.

ART. V.

We say, if any Man (to the Knowledge of the Barr-master or his Deputy,) be lawfully possess'd of a Meare or Meares of Ground, and does not willingly desert the same, but his Stows are gone by some sudden Accident, or indirect Means, it shall not be lawful for any other Person to take or possess, such Meare or Meares of Ground, 'till the Barr-master, or his Deputy, set him thereon: and the Barr-master, or his Deputy, before he set any Man on such Meare or Meares of Ground, shall first take with him one or more of the Grand Jury, or four and

twenty of the Mine, and go to the Place where the Possession or Possessions, or Stows stood, for such Meare or Meares of Ground, and then make open Publication in the mineral Time of the Day, that the Party or Parties, whose Stows stood for such Meare or Meares of Ground, are gone or taken away as aforesaid, that he or they shall within four Days after such Publication, come and make good his or their Possessions, for such Meare or Meares of Ground; but if the Party fail to make good his or their Possession within four Days after, then the Barr-master, or his Deputy, and the Grand Jury-man, that was at such Publication, may set on any other Man, on such Meares of Ground, to work according to Custom.

ART. VI.

We say, that the Barr-master, nor his Deputy, ought not to lay forth, nor measure any Man's Ground, 'till Ore be gotten in the same Ground to free it withal; and when the Ground is freed, it ought to be measured and laid forth, and Meare-stakes set the same Day.

ART.

ART. VII.

We say, that every one ought to keep his Ground in good and lawful Possession with Stows and Timber, in all Mens sight; and that Crosses and Holes without Stows and Timber can keep Possession but three Days.

ART. VIII.

We say, that all Men ought to work their Ground truly, and chase their Stool to their Ground's end; and so each one, from Meare to Meare, according to the Custom, unless they be justly hinder'd by the Water, or for want of Wind; and in such Cases, Diligence ought to be used to gain Wind, and let out Water.

ART. IX.

We say, that the Barr-master, or his Deputy, ought to walk the Mine once a Week at the least; and where he sees a Meare of Ground, which, to his knowledge, is lawfully possess'd, to stand unwrought three Weeks together, and might be wrought, not being hinder'd by Water, or for want of Wind; then he ought, if he can conveniently, to give notice to the Parties that neglect to work according

ding to Custom; then he shall nick the Spindle, each Week a Nick, for three Weeks together. And if it be not wrought within that time, nor borrowed of the Barr-master, or his Deputy, then within two Days after the last Day of the said three Weeks, the Barr-master, or his Deputy, may lawfully set on another Man on such Meare or Meares of Ground, to work according to Custom. And if the Barr-master neglect to do his Duty herein, he shall forfeit five Shillings to the Lord of the Field, or Farmer.

ART. X.

We say, if two several Parties or more, set Possessions for one and the same thing, claiming for one and the same Meare of Ground, thereupon the Party grieved shall complain to the Barr-master, or his Deputy, who shall forthwith bring with him four, or more of the Grand Jury, or four and twenty to view the Possessions, and inform themselves the best Way they can, who hath the most antient and lawful Possession for that Meare of Ground, and shall settle the same, casting off the other, and cutting out the Spindle of the Stows, as they so cast off; and

and if the Party, whose Possessions they so cast off, think he hath Wrong thereby, and think he hath a good Title to such Meare or Meares of Ground, he may put a new Spindle into his Stows, and any time within fourteen Days after such casting off, set them on again ; there-upon giving the Barr-master, or his Deputy, four-pence, to arrest such Meare or Meares of Ground, and so try his Title. But if he set on his Stows, and do not arrest within fourteen Days after, as aforesaid, he shall incur a Fine of forty Shillings on his Head for every such Offence ; and the Barr-master, or his Deputy, ought forthwith to burn his Stows, in the mineral time of the Day, and then, if he sets not on another pair of Stows, Arrest the next Day after his Title to such Meare or Meares of Ground, shall be deemed unlawful, and have no Plea for the same in Barrmote Court.

ART. XI.

We say, that the Lord of the Field, or Farmer, shall at all times hereafter provide, and keep betwixt Merchant, Buyer, and Seller, a just and a right Measure or Dish, according to the an-

cient Gage; and such a number of them as shall at all times of the Year conveniently measure all such Lead Ore, as is got in the Wapentake of *Wirksworth*; and such Dishes ought to be sized every quarter of a Year by the brazen Dish, in presence of four, or more, of the Grand Jury, or twenty-four; and for a Pain every time failing herein, to forfeit 3 s. 4 d.

ART. XII.

We say, that by the said Dish or Measure, the Lord of the Field, or Farmer, is to take his Lot, which is the 13th Dish or Measure, as is justly and customarily paid. But we say, that *Smytham* nor Forested Ore hath not (within the Memory of Man) paid, nor ought to pay, any Duties or Part, but Cope only.

ART. XIII.

We say, that for the Payment of the said Lot, Miners within the Wapentake of *Wirksworth*, ought to have liberty to work the Ground within the Wapentake, and to have Timber also in the King's Wastes to work their Ground withal, and Egress and Regress from the Highways to their Groves or Mines.

ART.

ART. XIV.

We say, that the Barr-master, or his Deputy, ought to lay forth the Miners the next Way to the Highway, for going and coming to and from their Work; and also for carrying to and from their Work the running Water, to wash their Ore withal.

ART. XV.

We say, (according to the Custom of the Mine) that all Miners, and their Servants, may wash their Ore with Fat, and Sieve upon their Works; so that they keep their Fats close cover'd, and empty their Sludge into some convenient Place within their Length or Quarter-cord, as the Barr-master, or his Deputy, shall appoint: so that the Cattle of the Owners or Occupiers of the Land, where such Washing is, may have no harm.

ART. XVI.

We say, (by the Custom of the Mine within the Wapentake of *Wirksworth*) 'tis lawful for all the liege People of this Nation to dig, delve, subvert, mine,
and

and turn up all manner of Grounds, Lands, Meadows, Closes, Pastures, Moors or Marshes for Lead-Ore, within the said Wapentake, of whose Inheritance soever it is; Dwelling-house, Highways, Orchards or Gardens excepted. But if any arable Grounds, Lands or Meadows, be digged, delved, subverted or mined, and not wrought lawfully according to the Custom of the Mine, then it may and shall be lawful, for the Inheritors of the Greund so digged, subverted, and mined, to fill up the same at their Will and Pleasure.

ART. XVII.

We say, that no Person or Persons, ought to keep any counterfeit Dish or Measure, in their Houses, Coes, or any other Place, to measure Ore withal; but every one ought to buy and sell by the Barr-master's lawful Dish, and no other to be used or had; and every Buyer offending herein, shall forfeit for every such Offence, forty Shillings to the Lord of the Field, or Farmer, and the Sellers thereof to forfeit their Ore, if it be taken at such a time,

ART.

ART. XVIII.

We say, that if any poor Miner, or any other poor Person have Ore under a Load to measure, and the Barr-master or his Deputy have Notice thereof, and do not upon Warning and Request come to measure the same, then every such Person may lawfully take two of his Neighbours, and deliver his Ore to whom he will, so that the customary Duties be paid.

ART. XIX.

We say, that the Barr-master, or his Deputy, shall see that Measure be indifferently made between the Buyer and Seller; and the Buyer not to touch the Dish, or to put in his Hand to make it measure, on pain to forfeit ten Shillings.

ART. XX.

We say, that after the Ore is so measured, the Merchant Buyer or Miner that carries away the Ore doth pay to the Lord of the Field or Farmer, Cope, being Sixpence, for every Load of Ore, nine Dishes to the Load; for the which Cope, the Miners or Merchants, have liberty

liberty to carry away the Ore, and sell and dispose of it to whom they please to their best Advantage, without the Disturbance of any Man.

ART. XXI.

We say, that if any Person or Persons will make any Claim or Title to any Groves, or Meares of Ground, Rake, Vein, or Ore, he ought to arrest the same, according to the Custom of the Mine, and the Defendant ought to be bound in a Bond, (with sufficient Sureties for him to the Plaintiff) to answer at the next Barrmote Court, to such Actions as shall be brought against him by the Plaintiff upon the said Arrestment; and after to yield so much Ore, or the Value thereof, to the Plaintiff, if the Defendant be cast by the Verdict of twelve Men, as shall be gotten at such Groves or Meares of Ground, from the time of such Arrest till such Trial at the Barrmote-Court.

ART. XXII.

We say, that after any Arrest made, the Barr-master, or his Deputy, upon Request made, ought to appoint a Court
Barr-

Barrmote within ten Days, or as soon as he can conveniently ; and if the Plaintiff do not pursue his Suit upon the Arrest, he shall then lose six Shillings and eightpence to the Steward, and a Nonsuit shall pass against him : And we say, that a Nonsuit is to be of the same Effect and Validity with a Verdict, and every way to signify as much : and if the Defendant fail to make his Defence, a Verdict shall pass against him for his Default.

ART. XXIII.

We say, whoever shall be condemned and cast by a Verdict of twelve Men or otherwise, if a Jury be summon'd, and upon calling, appear ; if the Plaintiff will not go on and follow his Suit, he shall pay four Shillings for twelve Mens Dinners, and Pawns shall be put in on both Parts into the Barr-master's or his Deputy's Hands, at the time of the Arrest, or within three Days following.

ART. XXIV.

We say, that the Defendant ought to have six Days time at the least, before any Court, to prepare himself for his Defence ;

fence ; and what Arrests are made within six Days next before the Court, the Defendant may, if he please, refuse to answer, and not suffer any Loss thereby ; and such Arrests made within six Days to be void, unless both Parties be willing to go on Trial.

ART. XXV.

We say, that the Barr-master, or Steward, ought Yearly to keep two great Barrmote Courts on the Mine ; one about *Easter*, and the other about *Michaelmas*, within fourteen Days before or after the said time, and every three Weeks a Court, if need be, yearly. If either Plaintiff or Defendant request a Court, he is to keep one within ten Days after such Request, or forfeit ten Shillings.

ART. XXVI.

We say, if any Grove, Shaft, or Meare or Ground be arrested, all the Ore got of measured at such Grove, Shaft, or Meare of Ground from the Arrest to the Trial, is liable to the Arrest ; and if the Verdict be found for the Plaintiff, then the Defendant shall pay to him so much Ore,

Ore, or Value thereof, as shall appear by Evidence was gotten or measured at such Grove, Shaft, or Meare of Ground, from the time of the Arrest till the Trial; and when the Barr-master, or his Deputy, makes such Arrest, he ought to take good Security for the Ore that is to be measured there, or carried away to any other Place.

ART. XXVII.

We say, that honest and able Men ought to be summon'd for Jurors out of every Division within the Wapentake, and to be summon'd as near the Court-Day as may be; and of every Division some to serve, unless some just Cause be shewed to the contrary.

ART. XXVIII.

We say, that able fit Men, if they be not Miners, if they have Parts and be Maintainers of Mines, and known by the Barr-master, or his Deputy, to understand well the Custom of the Mine, they ought to serve for Jurors, especially in difficult and weighty Matters and Causes.

ART.

ART. XXIX.

We say, that one Verdict for Wages due to Workmen, shall fully conclude and determine; and for the Tythe that arises by Contract, as by Gift, Sale, or Exchange, or the like; and also for Right of Possession for Shaft or Meares of Ground, two of the first Verdicts, for one Party, shall fully conclude the Title.

ART. XXX.

We say, that when a Verdict is gone for either Party, if he which has lost will have another Trial for the Title, he ought to arrest within fourteen Days next after the Court, when the Verdict went against him, or else that Verdict shall determine, and fully exclude him from any further Claim; unless that longer time for Workmanship be absolutely necessary to discover the Truth: If so, then the Party grieved may, within four Days, cause four or more of the Grand Jury, or twenty-four to view the Work in question; and what time they think fit for Workmanship to discover the Truth, that they may allow, giving such their doings under their Hands in
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writing to the Barr-master or his Deputy of that Division; and if it proves the allowed time be too short, then the grieved Party may again procure four or more of the Grand Jury, or twenty-four to view the Work a second time; and if they then find that Workmanship hath been duly made, and yet more time is requisite, they may give longer time again in manner as aforesaid: And then if the Party grieved arrest not within ten Days after that time is expired, that Verdict that went against him, shall fully conclude and determine the Title.

ART. XXXI.

We say, that no Person ought to sue for Mineral Debt, Ore, Groves, Trespasses in Groves, or Grounds in variance, but only in the Barrmore Court; and if any do the contrary, they shall lose their Debt and Ore, for which they are in Controversy, and shall pay all the Charges in Law, and lose all their Groves and Meares of Ground and Parts thereof, to the Party grieved, till, upon just Account, he have Satisfaction for all his Charges and Expences, in and about such Suits to the Lord of the Field or Farmer;

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and

and also such as sue out of the Barrmote Court as aforesaid, ought to have no Benefit nor Plea in Barrmote Court.

ART. XXXII.

We say, no Officer ought for Trespass or Debt, to execute or serve any Writ, Warrant or Precept, upon any Miner being at his Work in the Mine, nor when the Miners come or go to the Barrmote Court, but the Barr-master or his Deputy only.

ART. XXXIII.

We say, if two several Parties or more be Grove-Fellows or Part-Owners to one Grove or Meare of Ground, and one or more of the Part-Owners will not keep Company, or pay his or their proportionable Part, or Parts, of all such Workmanship, and other Charges and Expences, as are necessary and belong to such Grove, or Groves, Meare, or Meares of Ground, thereupon the Party grieved shall complain to the Barr-master or his Deputy, who shall take with him two or more of the Grand Jury, or Twenty-four, and speak to the Party or Parties, who neglect, or refuse to pay Charges and keep Company as aforesaid, and give him or them warning to come in within

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ten

ten Days, to pay Charges and keep Company with their Part-Owners; and if after Warning given them, the Party or Parties refuse to pay Charges, or to come in, and keep Company as aforesaid, then the Barr-master, or his Deputy, and the Grand Jury or Twenty-four, at their Meeting next following, unless some just Cause be shewed to the contrary, may order the Party or Parties that have refused and neglected to pay Charges, and keep Company, that he or they shall come and pay Charges, and keep Company with his or their Part-Owners. And such Order of the Grand Jury or Twenty-four, is to be binding, as tho' it were at Barrmote Court.

ART. XXXIV.

We say, that when a Meare or Meares of Ground are wrought under Water, and by Reason thereof hath stood many Years unwrought, and the Owner or Owners of such Meare or Meares of Ground, do not use some effectual Means to get forth the Water to recover the same; and that the same might be wrought by Means of a Sough or Engine, and that for the Publick Good, but is yet neglected: Thereupon any

Person or Persons that are minded to disburse and lay forth Money to recover such Works from Water, may at a Great Barrmote Court held at *Wirksworth*, declare such their Intention in Writing to the Grand Jury or Twenty-four, and they shall take the same into serious Consideration. And if they know such Works to have stood long by reason of Water, and no effectual Means used to win the same; and that the Person or Persons who desire to undertake to win the same, by Soughs or otherwise, to be able Men and like to perfect such a Work, thereupon the Grand Jury or Twenty-four, shall appoint a Day (of a Month after at least) for themselves and the Person that undertakes, and all the Owners of such Works to meet at the Place where such Works are; and this time of Meeting shall be published by the Cryer in the Great Barrmote Court, that all Men may take notice thereof; at such Meeting the Undertakers shall give the Grand Jury or Twenty-four, to understand by what means they intend to lay dry all such Works, and to get out the Water for recovering the same. And if the
Grand

Grand Jury, or Twenty-four, thereupon conceive the way and means they propose, is like and effectual to recover such Works from Water, so that the Publick may have Advantage thereby ; the Grand Jury, or Twenty-four, shall acquaint the Owners of such Works with the Intentions of the Undertakers concerning the Recovery of such Works from Water, and the Ways and Means they propose for the doing of it : and any of the Owners of such Works, if they please, may join with the Undertakers, paying their proportionable parts of the Charge of such Soughs or Engines, as shall be made to recover the same, according to their Parts, and enjoy the Benefit thereof. And such of the Owners of such Works, as shall not, by themselves, or others, by their Authority, appear at such Meeting, or then neglect or refuse to join, or pay their proportionable Part or Parts of Charges, of such Soughs or Engines, as shall be made, or used for the Recovery of such Works from Water, as aforesaid: Thereupon the Grand Jury, or Twenty-four, and Barr-master, or his Deputy, shall have power to dispossess such Owner or

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Owners,

Owners, from their Part or Parts, and to assign and deliver Possession of such Part or Parts, to the Undertakers thereof, as aforesaid ; withall ordering, that the Undertakers of such Works, shall give to the Owners that refuse and neglect, as aforesaid, such reasonable Satisfaction as the Grand Jury, or Twenty-four, shall then think fit. And if it happen in the carrying on of the Business for the Recovery of such Water-works, that any difference arise betwixt the Undertakers and the Owners of such Works, or any of them, so that the Work is obstructed thereby, then the Grand Jury, or Twenty-four, being called together, shall have power to regulate all such Differences, whereby the Work may be effectually accomplished for the Publick Good.

ART. XXXV.

We say, that when any Man is possessed of a Grove or Meare of Ground, and hath found the Vein, and works therein, he ought to suffer his Neighbour, who is the next Taker, and shew him the best Light and Direction he can, which way, and upon what point the Vein goeth. But in case any Man be
so

so refractory, as to deny his Neighbour such a Courtesy, then he may procure three, or more, of the Grand Jury, or Twenty-four, to be summon'd, and the Barr-master, or his Deputy, may put them into his Grove, who hath the Vein in Work, where they may, by using a Dial, or some other Skill, shew him that is the next Taker, which way, and upon what point the Vein goes; so that he may know thereby where to sink his Shaft, to find the Vein, that the Field may be set forwards for the Publick Good. Provided always, that such of the Grand Jury, or Twenty-four, as go into the Grove aforesaid, shall not do any other Act or thing, or make any other Discovery of such Grove, save only to see which way, and upon what point the Vein goes.

ART. XXXVI.

We say, that where any Man is lawfully possess'd of a Meare of Ground, for any Rake or Vein, and works the same truly, according to the Custom of the Mine; if any other Man shall set Possessions at, or near his Forefield, pretending for a Cross Vein, or some

other thing, and, by Workmanship, shall be strongly suspected to work in the same Vein, for which there is another in Possession, and truly works the same; thereupon the Party grieved, may procure the Grand Jury, or Twenty-four, to be summon'd to appear at the Place in question; they, or so many of them as appear, being above twelve, shall view the whole Work. And if thereupon, they find, by their best Skill, the thing in all probability to be one and the same; and yet for want of Workmanship, cannot then plainly appear; then such of the Grand Jury, or Twenty-four, as appear and view as aforesaid, shall give such their Opinions, under their Hands in Writing, withal ordering, who they conceive works wrongfully, forthwith to give the Party grieved good Security, for all the Ore got at the Work in question, 'till Time and Workmanship make the Truth appear. But if the Party, who is to give Security, refuse to give such Security, then such of the Grand Jury, or twenty-four, as appear, and view as aforesaid, shall (by their Order under their Hands) appoint the Barr-master, or his Deputy, to seize, and sequester all the Ore got
at

at the Work in question, 'till Workmanship shall make the Truth appear, to whom the Vein belongs. And when either Party does conceit, that Workmanship enough is made in it, to make the Truth appear, then either of them may procure the Grand Jury, or Twenty-four, to be summon'd again; and such of them as appear, being above twelve, shall view the Work in question: and if then by Workmanship, it may appear to whom the Ore and Vein belongs, they may order it the same Party to whom they conceive it due. And if either Party think, he hath Wrong thereby, he may arrest, and have his Trial for his Right, or Title.

ART. XXXVII.

We say, that no Person shall come to any Workman, that works his Ground truly, upon any Colour or Pretence, to claim his Ground, to hinder his Work, or stop the Field; but the first Workman shall only work, and the Claimer arrest and take the Law; and the Barr-master shall do him Law truly.

ART.

ART. XXXVIII.

We say, if any Vein or Rake, go cross through another Rake or Vein, he that comes there to the Pee first shall have it, and may work therein, so far as he can reach with a Pick or Hack, having a Helve three quarters of a Yard long; so that he stand wholly within his own Cheeks, when he works such a Pee.

ART. XXXIX.

We say, that when two Veins go together, parted with a Rither, that it is scarce discernable, whether it be two Veins or but one; in this case, so long as the Rither may be taken down, by firing on the one side, it is to be taken and reputed but for one Vein: but in case the Rither be so thick, that it cannot be taken by firing on the one side, and the Veins go so asunder for half a Meare in length, then they are serviceable to the Miner as two distinct Veins.

ART. XL.

We say, that any Miner, in an open Rake, may kindle and light his Fire after

ter four of the Clock in the Afternoon,
giving his Neighbour lawful Warning
thereof.

ART. XLI.

We say, if any Miners, or other Person, do under-beat his Neighbour's Meare, and work out of his own length, into another Man's Ground ; the Party so grieved, may procure two or more of the Grand Jury, or Twenty-four, to view such a Trespass, and order the Party that has done the wrong, to give the Party grieved, full as much Ore or the Value thereof, as they conceive is gotten wrongfully, without allowing any Charge for getting the same ; and the Party offending herein shall forfeit for every such Offence five Shillings and four-pence ; which Fine the Barr-master or his Steward shall have.

ART. XLII.

We say, that if any Miner, or other Person, do keep lawful Possessions of any Grove, Shaft, or Meare of Ground, according to the Custom of the Mine, if any Person or Persons, (by Day or by Night) cast in, or fill up such Shaft, Grove, or Meare of Ground, however

they shall be wrought, every such Person so offending therein, shall forfeit for every such Offence ten Pounds; the one half to the Lord of the Field or Farmer, and the other half to the Barr-master or Steward, and shall pay the Party so much as will make good the Work again.

ART. XLIII.

We say, that if any Person or Persons, shall at any time go to any Gentleman, or other Person, and give, sell, or exchange, any Part or Parts of a Grove, or Meare of Ground, in variance for Maintenance; every Person so offending, shall thereby lose his Grove, or Meare of Ground, or part thereof in variance, and the Taker, or Buyer, shall forfeit ten Pounds to the Lord of the Field or Farmer.

ART. XLIV.

We say, that if it happen, that any Miner be killed, or slain, or damped, upon the Mine, within any Grove, neither Escheator, Coroner, or other Officer, ought to meddle therewith, but the Barr-master or his Deputy.

ART.

ART. XLV.

We say, that no Person ought to bring any unlawful Weapon to the Mine, and for every time so doing, to forfeit 3 s. 4 d. to the Steward or Barr-master. And if any make an Assault or Fray on the Mine, every such Person ought to forfeit for every such Offence 40 s. and for every Bloodshed against the Peace 5 s. the one half to the Lord of the Field or Farmer, and the other half to the Barr-master or Steward.

ART. XLVI.

We say, that every Man that has a Washing-trough, ought to have seven Foots about the same; and if any Person dig, delve, or shovel in the said Trough, within the said space, he shall forfeit for every such Offence 12 d. to the Steward. Also, we say, that no Person ought to dig, delve or shovel, near any Man's Bing-place, upon pain to forfeit 12 d. for every such Offence.

ART. XLVII.

We say, that no Person or Persons, ought to cave upon any Man's Ground,
except

except the Owner be present on the Ground, on pain to forfeit the Ore they get, to the Owners of such Ground, if they be taken; and also Sixpence to the Lord of the Field or Farmer, so oft as they shall be taken therewith. Also, no Purchaser ought to stop him, or any Miner, from any Wash-trough at any time, on pain to forfeit for every such Offence 12 *d.* to the Lord of the Field or Farmer. Also, no Caver ought to purchase in any Man's Ground, before eight of the Clock in the Morning, nor after four in the Afternoon, on pain to forfeit for every such Offence 12 *d.* to the Lord of the Field or Farmer.

ART. XLVIII.

We say, that if any Person or Persons, feloniously take away any Ore, or other Materials, from any Grove, Shaft, or Meare of Ground, Houses, Coes, or Smelting-houses, or elsewhere, if it be under the Value of thirteen-pence halfpenny, the Barr-master shall punish the Offender in the Stocks or otherwise, as it is fit for such Offenders to be punish'd. But if the Ore, or other Mate-

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Materials, be above thirteen-pence half-penny, we say 'tis Felony.

ART. XLIX.

We say, that every Barr-master, or his Deputy, ought to have a Pair of Stocks, at some convenient Place within his Division; the same to be built at the Charges of the Lord of the Field or Farmer, by the Benefit arising out of the Fines, and such Persons as swear, curse, or commit any other Misdemeanor, on the Mine, fit to be punished in the Stocks; the Barr-master shall punish such Offenders any time, under the space of twelve Hours, as the Offence shall require.

ART. L.

We say, that no Miner ought to be fined or amerced, by the Steward of the Barrmote Court, for his not appearing there, unless he have lawful Warning; but if lawful Warning and Summons be given, and the Miner fail to come, and appear according to Custom, the first time is 2 *d.* and so at every Court, if Occasion ensue, is double the same, till it come to 5 *s.* 4 *d.* whereof

5 *s.*

5 s. is due to the Lord of the Field or Farmer, and 4 d. to the Steward: and in case twenty-four Miners be summon'd on a Jury for a Trial, betwixt Party and Party, to appear at the Barrmore Court, if there appear not twelve of them, whereby to have a full Jury; then all such as fail in appearing herein shall be fined, as the Barrmaster or Steward pleases, in any Sum not exceeding 10 s. provided always they have lawful Summons, and be able of Body to come.

ART. LI.

We say, that if any Grove, Shaft, or Meare of Ground be in Controversy, and the Grand Jury, or Twenty-four, be called to view that Shaft, or Meare of Ground, or to do and perform any other Duty concerning the same, and thereupon make an Order, and give their Opinions under their Hands in Writing, concerning such Grove, Shaft, or Meares of Ground in controversy; then such Order or Opinion, as the Grand Jury, or Twenty-four, or part of them make, being above four, may, and ought to be produc'd in the Barrmore Court at Trial, and there openly read and shew'd

to the Jury, that they may take notice thereof as they think fit.

ART. LII.

We say, that if the Grand Jury, or Twenty-four, for the Mine, or part of them, be (by the Barrmaster, or his Deputy) called to view any Work within Ground, or to do or perform any other Office or Duty, concerning these, or any other Articles, for the Custom of the Mine; if any Person or Persons resist, or hinder them therein, every one so offending shall forfeit for every such Offence, *l.* the one half to the Lord of the Field or Farmer, and the other half to the Barrmaster or Steward. And if any resist the Barrmaster, or his Deputy, he may, if need be, call any Miners to assist him, and the Grand Jury, or Twenty-four, or part of them; and if any Miner, neglect or refuse herein, he shall forfeit for every such Offence, *s.* to the Lord of the Field or Farmer.

ART. LIII.

We say, that the Barr-master, or his Deputy, or the Steward, ought to levy and collect all Fines and Forfeitures, due

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by

by the Custom of the Mine; and where any Person has not Ore to discharge the same, nor is otherwise able or willing to pay such Fines and Forfeitures, then the Barr-master, or his Deputy, shall (for every such Offence) punish such Person in the Stocks, to set there twelve Hours pinning a Paper on his Back, shewing for what Offence he sits there. But in case the Barr-master, or his Deputy, or the Steward, do not henceforth levy and collect all Fines and Forfeitures, due by the Custom of the Mine, nor punish such Offenders in the Stocks, as are fit to be punished, they shall forfeit for every such Neglect, s. to the Lord of the Field or Farmer.

ART. LIV.

We say, that if any Miner or Miners, or any other Person or Persons, be possessed of a Meare or Meares of Ground, or Part or Parts thereof, and work it truly, according to the Custom of the Mine, and if there be any Person or Persons, that shall or will make Claim or Title, to the same, or any Part thereof, that he or they shall come and make their Claims (either by themselves, or by some Agent

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employed by them) before the Barr-master, or his Deputy, and within six Months after the same shall be in Workmanship; and if deny'd of what he or they shall claim, he or they must arrest within fourteen Days after the said Claim and Denial, or else his or their Title shall be deemed unlawful, and have no Plea for it in the Barrmote Court.

ART. LV.

We say, whereas we find, by daily Experience, that great Abuses and many Inconveniencies do arise, by Persons taking part on both sides, and only putting in their Pawns, and will neither maintain with Plaintiff nor Defendant of their necessary Charges, and they so refusing to pay poor Men, are many times utterly undone, and overthrown: Whereupon we order and agree, (that where any Controversy shall happen, about any Grove or Groves, Meate or Meares of Ground in question) where such Suit ariseth, if any Person or Persons claim any particular Part or Parts of a Meare of Ground, in question, where such Suit ariseth, if any Person or Persons make Claim on both sides, and would only

defend his or their Part, or Parts, by putting in his or their Part or Parts of Pawns on both sides, we say, that it shall not be sufficient for any Person or Persons, to defend his or their Part or Parts, by such means only; but he or they must either take to the Plaintiff or Defendant, or defend his or their Part or Parts, according to the Custom of the Mine; that is to say, he shall pay his or their Part or Parts of Charges, as shall be needful to make the Truth appear, in trying of the Cause or Causes, as well as putting in their Part or Parts of 4 s. 6 d. for the Pawn or Pawns, and Charges, being lawfully demanded of such before the Barr-master of the Liberty, and one or more of the Grand Jury, or Twenty-four. If the Party or Parties, of whom Expences in such Suits and Trials are demanded, as aforesaid, do not pay the same Charge, within four Days after it is lawfully demanded, then such Party or Parties, refusing or neglecting to pay the same, after such Demands, shall forfeit his or their Part or Parts, to the Parties grieved, to be equally divided amongst them, according to their proportionable Parts.

ART.

ART. LVI.

We do order and say, that if any Person, that works for Wages at any Grove or Groves, Shaft or Shafts, Meare or Meares of Ground, within the said Soak and Wapentake, and shall have his or their Wages wrongfully detained or withheld, from him or them, by the Owner, or Owner's Servant, or Agents of any of the said Groves, Shaft or Shafts, Meare or Meares of Ground, that then, if such Person or Persons, from whom such Wages shall be due, or from his or their Servants, or Agents, employed to manage their Mines, do not well and truly pay such Wages, as shall be due to any Workman or Servant, within ten Days after an Account given in, and Demand made of such Person or Persons, Servant, or Agents, that then in such case the Workman or Servant, who shall be behind in Arrear and unpaid, as aforesaid, may arrest where such Work was done, or elsewhere within the said Soak and Wapentake, his or their Part or Parts of Ore, or other Materials, where such Person or Persons, Servant, or Agents, doth not pay as a-

foresaid, are concerned, or hath any Part or Parts thereof, and so bring it to Tryal at the next Barrmote Court ; and if such Person or Persons, Servants, or Agents, Defendant or Defendants, shall be cast, and condemned by the Verdict of twelve Men, then such Defendant or Defendants, shall pay all such Wages forthwith, which shall be given in Damage, and 10 s. over and besides for and towards the Costs of such Workmen or Servants, Plaintiff or Plaintiffs, in the Recovery of such just Wages, if their Ore be sufficient under Arrest, to defray the said Charges ; but if not, and such Defendant or Defendants, refuse and neglect still to pay such Wages and Charges, as aforesaid, then the Barr-master of the Liberty, where the said Defendants have any Groves, shall have power to levy the same by Distress and Sale of the Defendants Ore, or Mineral Materials, if any ; or otherwise he shall deliver all his or their Groves, or Parts thereof, to the Plaintiff, to work until the Cost and Damages be fully paid, with all Charges in working the same. And the Barr-master shall not neglect this present Article, on pain to forfeit to the

the King or his Farmer 3 s. 4 d. and to the Party grieved 3 s. And if the Defendant or Defendants shall contemn or disobey this Article, or hinder the Barrmaster in the discharge of his Duty, that then every such Offender shall forfeit for every such Offence 20 s. to the King's Majesty, or his Farmer.

ART. LVII.

Also we order and say, that from henceforth when any Person or Persons shall complain at any Great Barrmote Court, for want of Company and Charges, that such Complainants shall have a just Bill of Charges (if such can be had) annexed to the Bill of Complaint, which the Twenty-four shall have power, or at least he or they shall declare, upon his or their Oaths, to the Grand Jury, or Twenty-four, the gross Sum or Sums of Money at such Grove or Groves, where such Partowners are complained against for want of Company and Charges, as the said Partowners shall be behind in Arrear ; which Sum or Sums, shall be set down in the Order or Verdict of the Grand Jury, or Twenty-four ; and if such Sum or Sums be not paid into the re-

pective Barr-master's Hands (for the use of the said Complainants) within ten Days after warning given them ; then the Barr-master may and shall deliver possession, according to the said Order. But, if the Person or Persons complain'd against, or their Agents, be not Resident within the Soak and Wapentake of *Wirksworth*, or if upon diligent Enquiry made by the Barr-master, within twenty Days after the said Order to him deliver'd, that such Person or Persons cannot be found to be Resident, nor his Agents as aforesaid, that then (in such Case) the Barrmaster may take with him one or more of the Grand Jury, or Twenty-four, and go to the Grove or Groves, Meare or Meares of Ground, where such Company and Charges are wanting, and there in the Mineral time of the Day, openly declare, that such Person or Persons, shall come in and keep Company, and pay such Charges, as is contained in the said Order, within ten Days after, or lose his or their Part or Parts. And if such Charges be not paid, according to the said Order, to the said Complainants, and the Barr-master shall not neglect his Duty herein,

for the said Barr-master to do as he shall think fit in this behalf.

on pain to forfeit 10 s. to the King or his Farmer.

ART. LVIII.

We say, that no Person or Persons shall let, hinder, or deny the Barr-master, and Twenty-four, or any of them, by firing, or any other ways or means whatsoever, from going into any of their Groves, Shaft or Shafts, Meare or Meares of Ground, to view and see, whether any Wrong or Trespasse be committed between Party and Party, nor for Plumming and Dialing in any of their Groves, Shafts, or Meares of Ground, for the end and setting streight of Matters in Controversy, on pain of every one so offending, to forfeit for every such Offence 40 s. of good and lawful *English* Money, whereof 20 s. to the King's Majesty or his Farmer, and the other 20 s. to the Party wronged or grieved; provided always, that the Barr-master, and Twenty-four, or any two or more of them, come at lawful and convenient times of the Day.

ART. LIX.

The Grand Jury, or Twenty-four, for the

the Body of the Mine, do order and say, that from henceforth every Miner, and Maintainer of Mines, within the Soak and Wapentake of *Wirksworth*, shall prefer their Bills of Complaint at every Great Barrmote Court against their Part-owner or Part-owners, Grove-fellow or Grove-fellows, in open Court, during the time of the Stewards sitting, and not after any Adjournment; to the end, that every Person concerned, or against whom any Bill is preferred, may have legal Proceedings in open Court, according to the Custom of the Mine.

THE NEW
ADDITIONAL ARTICLES, &c.

*The 14th of May 1720, Edmund Val-
lence proved the making the 60th
ARTICLE in open Court.*

ART. LX.

We say, that if, by the Barr-master, or his Deputy, and two more of the Grand Jury, or Four and Twenty, any Person or Persons shall be disposseisd of any Grove
or

or Groves, Shaft or Shafts, Meare or Meares of Ground, that then he or they, which had such Groves or Shafts in possession, if he or they think, he has Wrong thereby, and do not come and make their Claim and arrest, and that within fourteen Days next after such Possession is given away, that then he or they shall have no Plea for the same in the Barrmote Court.

ART. LXI.

We say, that if any Miner, or any other Person or Persons, shall make any Claim or Title to any Grove or Groves, Shaft or Shafts, Meare or Meares of Ground, and do make their Arrest, and put in their Pawn, and will not go on to Trial, but doth suffer a Nonsuit to be awarded against him; that then he or they in so doing, shall pay for and towards the Defendants Charges, the Sum of 20 Shillings, of good and lawful Money of *England*; and the Barr-master shall have power to levy the same, by distress, upon either Ore or Mineral Materials, which Persons are concerned within the Wapentake of *Wirksworth*.

The

The Form of a Bill of Complaint put
up at the Great Barrmote Court.

*At the Great Barrmote Court, held at
Wirksworth, April 12, 1681.*

John Woodhave and David Hacwall,
and their Grove-fellows, complain
themselves to this Court, against *Willi-
am Holdfast, Daniel Willnot, Robert
Nonpay, and Richard Sturdy*, or any
one that claims under them, or either
of them, for not coming in and keeping
Company with them at the Old Man's
Grove, on the Cole-Hill, in the Pens
Rake, being within the Liberty of *Wirkf-
worth*, and Jurisdiction of this Court;
and for not paying the Sum of 4 *l.* which
is due for them to pay, being 20 *s.* a-
piece for either of their eight Parts to
pay; and therefore pray Relief.

The Form of a Cross Bill at the same
Court.

*At the Great Barrmote Court held at
Wirksworth for the Soak and Wapen-
take of Wirksworth, April 12, 1681.*
Whereas

W Hereas *John Woodhave*, and his Grove-fellows, have complained themselves to this Court against *William Holdfast* and *Robert Nonpay*, or any that claims under them, or either of them, for not keeping Company with them, at the Old Man's Grove, on the Cole-Hills, being within the Liberty of *Wirksworth*, and Jurisdiction of this Court, and for not paying the Sum of 4 *l.* which, they say, is due for them to pay, being 40 *s.* a-piece for either of their eight Parts: We the aforesaid *William Holdfast* and *Robert Nonpay*, do hereby declare to prove the Payment of the aforesaid 4 *l.* being 40 *s.* for either of our eight Parts, and therefore pray to be dismiss'd.

At the Great Barrmote Court held at Wirksworth, Apr. 12, 1681.

The Names of the Jurors, and their Verdict upon the aforesaid Bill.

John Hill,
Anthony Wood,
William Ward,
William Stone,



Henry

Henry Stafford,
Robert Letlip,
William Castby,
Adam Smoker,
Thomas Sheppard,
Anthony Long,
Adam Bell,
Clement Clough,
Thomas Twigg,
Robert Stand,
William Winkat,
Henry Neerheed,
Joseph Knowsnot,
Richard Short,
Gervas Standby,
John Hanger,
Abr. Woodwitt,
Samuel Wagstaff,
Elias Poole,
Martin Spencer.

We, the said Jurors, being elected,
 sworn and charged, do, upon our Oaths,
 order and say, that *William Holdfast* and
Robert Nempay, or any one that claims
 under them, or either of them, shall
 come in ~~with~~ *John* Company with *John*
Woodhove, and his Grove-fellows, and
 shall pay the Sum of 4 *l.* being 40 *s.* a
 piece

piece for either of their eight Parts to pay, which they are behind and in Arrear, at the Old Man's Grove, on the Cole-Hills, being within the Liberty of *Wirksworth*, and Jurisdiction of this Court, within ten Days after lawful warning given, or Publication made, according to the Article, or lose their Parts. Then you must return the Cross Bill *Ignoramus*.

The Form of a Bill at the Small Court Barrmote, for the Trial of Titles.

At the Small Court Barrmote held at the 13 Apr. 1681.

E*Dward Wood* and his Grove-fellows, complain themselves to this Court, against *James White*, and his Grove-Fellows, for unjustly entering into, and detaining from the Complainants, one founder Meare of Ground, in a cross Rake, discover'd out of the great White Rake, within the Liberty of *Crumford*, and Jurisdiction of this Court (on *Crumford-Moor*;) and also one first Taker Meare of Ground Eastward, or a Possession for a first Taker Meare, and for getting therein
and

and carrying away one thousand Load of the Plaintiff's Lead Ore, and converting it to the Defendant's own use, to the Plaintiff's Damages of 1050 Pounds; and thereupon they bring their Suit, and crave Relief.

The Defendants appear, and plead the six Months Article in Barr.

Jurors' Names.

<i>E. D.</i>	<i>A. B.</i>	<i>P. T.</i>
<i>E. W.</i>	<i>R. C.</i>	<i>A. P.</i>
<i>A. H.</i>	<i>J. H.</i>	<i>T. R.</i>
<i>H. C.</i>	<i>T. P.</i>	<i>W. F.</i>

Verdict.

We, the said Jurors, being elected, sworn, and charged to say the Truth, in the Premises, upon our Oaths, say, that the Defendants are not guilty of entering into and detaining one Founder Meare of Ground, in a cross Rake, discovered out of the great White Rake, within the Liberty of *Crumford*, and Jurisdiction of this Court (on *Crumford-Moore*;) nor for entering into one first Taker Meare Eastward, as in the Bill is set forth: therefore (according to several Customs

Customs and Articles used within the said Soak and Wapentake) upon our Oaths, do further say, that the Complainants shall pay 4 s. for 12 Mens Dinners, &c.

The Form of a Bill put to the Twenty-four, when called to view a Mine in question.

William Fainwood *and* John Haveall, *and their Grove-fellows, to the Grand Jury, or Twenty-four, for the Soak and Wapentake of Wirksworth, being called to the Gang-Rake, or Middletown-Moor, within the Liberty of Middletown aforesaid, the 16 April 1681.*

YOU are desired to go down at the Hedge Shaft, and so thro' the Drift and down the Turn, and then through the Drift at the Turn Foot, and so thro' the King's Half-Meare, then thro' the Hole at the Rither-point into *Bates's* Work, and so up his Turn and Shaft to the Day, and give your Opinions, whether it be not all one and the same Vein.

K

Then

Then as many as judge it to be one and the same Vein, write their Opinions, if they exceed Twelve.

ART. LXII.

Wirksworth
Wapentake.

} ff. 3d May 1707.

We, the Grand Jury, for the Wapentake of *Wirksworth*, do order and say, that when any Miner, or Miners, is dispossest'd of a Meare or Meares of Ground within this Wapentake of *Wirksworth*, if there be any Ore, that was gotten by the Parties dispossest'd of it, and it lie above Ground before they are dispossestted, that it shall be lawful for such Miner or Miners, to sell and carry away all such Ore, paying to the Lord of the Field or Farmer their due: And we do say, if there be any Mineral Working-Tools, or any other Materials belonging to Parties dispossest'd, it shall be lawful for him, or them, to carry away the same, be it in a Coe, or any where upon the Mine above Ground, provided the Parties dispossest'd had a Right to the Mine. And we say, if there be a Coe upon the Mine, the Parties dispossest'd shall not take

take the same away, but it shall be left standing for the Good of the Mine. And we order and say, that if any Person or Persons, do obstruct or hinder the same Parties aforesaid, for carrying away his or their Ore, or any other their Materials aforesaid, shall forfeit for every such Offence fifty Shillings; that is, forty Shillings to the Lord of the Field or Farmer, and ten Shillings to the Barr-master of that Liberty. Witness our Hands

Samuel Carden,

George Watson,

Benjamin Bateman,

Robert Smith,

J. Johnson,

Thomas Green,

Thomas Wallwin,

Robert Adams,

Anthony Turner,

Richard Wood,

William Spencer,

George Worthy,

John Amott,

William Stone,

Richard Oates,

Robert Spencer,

Thomas Bradshaw,

*John Sorer,**John Alsop,**Ad. Killbare,**S. Staley,**Jos. Watts,**William Mather,**John Smith,*

ART. LXIII.

*At the Great Court Barrmote, the sixth
of October 1708.*

WHEREAS we find by daily Experience,
that the Proceed and Profit of the
Lead-Mines is much hindered by bad
Maintainers, who drive their Reckon-
ings, and keep the same unpaid, from
one Great Barrmote to the other, to the
great Damage of the poor Miners, who
are wholly unable to bear such delays;
whereby the working Miners of such
Lead-Mines are much prejudiced. There-
fore to prevent all such Practices for the
future, we do order and say, that where
any Miner or Miners, are Drivers of their
Beckonings, after they have rendered and
demanded the same by the space of ten
Days, that then the Party or Parties, to
whom

whom such Reckonings are due, may complain themselves thereof to the Steward of the Barrmote Court for the Wapentake of *Wirksworth*, for the time being ; who, after Evidence given to the said Bill, shall direct the same Bill to the Barr-master of the Liberty, where such Work was done and Charges laid out ; and the Barr-master shall, on receiving thereof, with all convenient speed he can, make demand of the same upon the Party or Parties, his or their Agent or Agents, from whom the same is due, if he or they be Resident within the said Wapentake ; but if not, then the Barr-master, in the Mineral time of the Day, shall make Publication thereof ; and if the Money due in the said Bill, be not paid into the said Barr-master's Hands within fourteen Days next after such Demand or Publication, the said Barr-master shall have power to dispose of, and give the Part or Parts so indebted as aforesaid, to the Party or Parties grieved and complaining as aforesaid. And we further say, that the Party complaining shall have one Shilling for his pains in going to the Steward, and the Steward and Barr-master shall also have each of them one

Shilling for their Pains and Trouble therein, which said three Shillings shall be added to the Charge in the Bill aforesaid. And we further say, that if the Party or Parties complained against, believes the said Bill of Charges to be unjust or unreasonable, he shall have liberty, by subscribing his Name to the said Bill before the Barr-master, to appeal at the next Great Barrmote Court for the said Wapentake to have Right done him therein. But if he do not put his Name to the said Bill, and do not appeal to the said Court, or in case he appear, and the Bill be found against him, he then shall forfeit to the Party grieved ten Shillings, and five Shillings to the Queen or her Farmer, and five Shillings more to the Barr-master of the said Liberty, for every such Offence. But if he appear at the said Court, and make good his Appeal against the said Bill, then in such Case the Complainant shall forfeit and lose the Penalties aforesaid to the Queen or her Farmer, and the Barr-master as aforesaid.

We do also order and say, that for the better obtaining of Justice and discouraging unreasonable Delays in Suits, whenever any Arrest is made by any Barr-mas-

ter within the Wapentake, that then the Defendant shall put in his Pawn within six Days after the Arrest, Notice being given thereof by the said Barr-master, the Plaintiff is by Custom obliged to put in his Pawn, within three Days after his Arrest, or for neglect thereof, every such Defendant shall have no Plea after the same in the Barrmote Court, the Action shall be taken against him or them by Default.

We also do order and say, that when any Miner or Miners, do prefer any Bill or Bills of Complaint, at the Barrmote Court, held for the said Wapentake, they shall deliver them in open Court to the Barr-master of the Liberty, from whence such Complaint comes, with one Shilling for every Bill he so prefers, to pay the Steward for copying out the Verdict thereon : but if the Bill or Bills be not found by the Four and Twenty, then the Parry complaining shall have the Shilling given with such Bill return'd to him again.

*Ralph Johnson,
James Spencer,
John Pinder,*

John Pearson,
 John Brough,
 Edward Stubbs,
 Thomas Staden,
 John Hadfield,
 Adam Staley,
 John Twigg,
 James Keiling,
 John Shore,
 John Knowles,
 Ralph James,
 Richard Walker,
 Edmund Vallance,
 George Pearson,
 George Buxton,
 John Elliot,
 Tho. Pounder,
 Tho. Amott,
 William Wigley,
 Thomas Bowden,
 Jer. Buxton.

At the Great Court Barrmote, held at
 the Mote-hall in *Wirksworth*, October 6,
 1708, the Grand Jury, or Four and
 Twenty, then chosen and sworn, do ra-
 tify, confirm, and allow these Articles.

A Verdict or Opinion of the Twenty-four, in Answer to a Bill prefer'd by Mr. *John Thornhill*, and his Partners, concerning some particular Customs of the Mines,

Wirksworth Soak and Wapentake, March
23d, 1709.

WE, the Grand Jury, or Twenty Four, for the Soak and Wapentake aforesaid, having this Day received a Bill, and several Queries being put to us by Mr. *John Thornhill*, and his Partners; and in Answer to the said Bill and Queries thereupon put to us this Day, by the said Mr. *John Thornhill*, and his Partners, according to the Custom of the Lead Mines, within the said Soak and Wapentake, beyond all Memory used; We, the Grand Jury, or Twenty-four, whose Names are hercunto subscribed, do present and say; first, That where the Title of, or to any Meare of Ground, or Lead-Mine, happens to be in Controversy, that such Title ought, by the Custom, to be tried; and time beyond Memory tried by, and upon an Arrest made of

of the Ground in question, and cannot by the said Custom be tried by arresting the Ore only without the Ground, because the same would render several great Branches and Articles of the Custom, which tend to the preserving Peace and Quiet of the Mine, and the establishing the Rights thereof, fruitless and unnecessary. For we do present and say, by the said Custom and Articles, it is, amongst other things, provided, that if any Person or Persons, will make any Claim or Title, to any Grove or Meares of Ground, Rake, Vein, or Ore, he ought to arrest the same, according to the Custom of the Mine ; and that two of the first Verdicts for Rights of Possession, or for Shafts, or Meares of Ground, shall conclude the Title in Barrmote Court ; and that when a Verdict is gone for Plaintiff or Defendant, if the Miner against whom the Verdict is given will have another Trial, such Miner ought to arrest within fourteen Days after the Court, when the Verdict went against him, or be concluded by such Verdict, unless where such Workmanship is necessary ; in which case time is to be allowed by Four or more of the Twenty-four, and must arrest

rest within ten Days after that time is expired, or that Verdict that went against him, is fully to conclude and determine that Title: which said Branches or Articles of the Mine, and the Quiet of the Mine intended thereby, will by the arresting the Ore, only elude and evade the Benefit of the said Custom and Articles, that the Miner ought to enjoy, if the Arrest of the Ground, when the Title is in question, be drawn into Practice. Secondly, We present and say, that the Trial of the Title to any Mine in Controversy, by arresting the Ore only, hath, for all time beyond Memory, been deem'd unlawful, and against the Articles and Custom of the Mines; and when any such hath happened, which has been very seldom, and always by Inadvertency, the Verdict of the Jurors thereon hath been for the Reasons before mention'd. We do likewise present and say, that the multiplying of such Arrests of Lead Ore as aforesaid, and in manner before complain'd of, is a very unwarrantable and vexatious Proceeding; for that the same is not only in Evasion of all the Branches and Articles of the said Custom of the said Lead Mines, within the said Soak
and

and Wapentake, but to the great trouble of the Mine in general; and the more, that it is known even to the meanest of the Miners, to be so much against the Custom. The Plaintiffs in such Arrests can have no Benefit thereby or thereupon; and that arresting of Lead-Ore is by the Custom warrantable for Miners or other Mineral Debts contracted for Materials of the Mine, or for Ore claim'd by Virtue of some Contract, for or about the same, and never for trying a Title to any Lead-Mines; and therefore we are of Opinion, that the making the said three several Arrests was unwarrantable, and against the said Articles and Customs of the Lead-Mines. We present and say, that we are of Opinion, that the said unwarrantable and unlawful Method of arresting, ought to be prevented and complain'd of to the Grand Jury, or Twenty-four, at the next Great Barrmote Court to be held for the said Soak and Wapentake, where the Parties are, being the said unwarrantable Arrests to be made may be answered for the same, and Redress may for the future be had against the like Proceedings.

The

The Jurors Names.

Samuel Cardin,
 George Lea,
 Robert Hill,
 Anthony Hill,
 Thomas Bradshaw,
 Thomas Stubbs,
 Richard Brough,
 Robert Armfield,
 Thomas Chapman,
 John Spencer,
 Richard Buxton,
 Henry Frost,
 Thomas Massey,
 William Bridden,
 William Kirke,
 William Spencer,
 Isaac Johnson,
 Joseph Wallwin,
 Richard Amett,
 John Shore,
 Henry Shore,
 Robert Staley,
 Henry Boame,
 Abraham Singleton.

Ingraft these Precepts deep within your Senses,
 The Matter's good, and got by small Expences.

The



The ARTICLES and CUSTOMS of the
Miners, within the Lordship of *Litten*,
1711.

The Twenty-four.

Richard Clark,
Robert Clark,
William Low,
Elias Bramell,
Robert Timperley,
Richard Morttin,
George Chapman,
Ralph Hill,
Francis Bramwall,
Hum. Swindell,
William Oldfield,
William Townsend,
William James,
Adam Oldfield,
William Blackhouse,
Wm. Bramweall,
Edward Timperley, Jun.
William Hill,

Robert

Robert Hadg,
 Elias Oldfield,
 Thomas Hall,
 Richard Oldfield,
 Adam Law,
 George Eloy.

We, the aforesaid Grand Jury, or Twenty-four, being elected, sworn, and charged to enquire, for the Lord of the said Mannor, and into the Customs, Right, Privileges and Liberties of the Lead-Mines, within the said Manour and Lordship, in the County of *Derby*, do, upon our Oaths, say, that the ancient Custom of the Mines, which have been Time immemorial, and are now used within the said Manour and Lordship of *Litten*, in the said County, have been and are as followeth.

ART. I.

WE say, by the ancient Custom of the Lead-Mines, within the said Manour, that it is lawful for all the liege People of this Nation, paying the Lord of the said Manour, his Farmer or Agents, the customary Dues hereafter mentioned, to dig, delve, subvert, and turn
 all

all manner of Ground, Land, Meadows, Closes, Pastures, Commons, Moors or Marshes, for Lead-Ore, within the said Lordship, of whose Inheritance so ever it is; Dwelling-houses, Highways, Orchards and Gardens, excepted; but if any Arable Grounds, or Lands, or Meadows, be digged, delved, or mined, and not lawfully work'd according to Custom, then it may be lawful for the Occupiers, Owners, or Proprietors of such Lands, the same to fill up at their Will and Pleasure.

ART. II.

We, upon our Oaths, say, that the Lord of the Manour, by the ancient Custom of the Mine, is to nominate a Steward, who shall keep two great Courts, within a Month of *Easter* and *Michaelmas* yearly, if required; and a small Barrmote Court, so often as Necessity requires, or the Barr-master or his Deputy desires him, with all convenient Expedition, to appoint one to be holden within the said Manour, to hear, determine, and try, by the said Grand Jury, or Twenty-four, or by the Verdict of Twelve Men, that are Miners or Maintainers of Mines, within the said Manour

nour of *Litton*, all Mineral Titles, Rights, Customs, Actions and Pleas, betwixt the Lord of the said Manour or Farmer, and the Merchant Ore-buyers and Miners, Miner or Miners.

ART. III.

We, upon our Oaths, say, that the Lord of the Manour, or Farmer, is to chuse, nominate, and appoint an Officer called a Barr-master, who ought to be an indifferent Person; and who himself, as also all Deputy Barr-masters ought, on Oath, which the said Steward hath power to give, to do equal Justice, betwixt the Lord of the Field or Farmer, and the Merchants Ore-buyers, and Miner or Miners, to the best of their Skill and Knowledge, according to the Custom of the Mine.

ART. IV.

We, upon our Oaths, say, by the Custom of the Mine, that the Barr-master, or his Deputy, shall at all times hereafter provide, and keep betwixt the Merchant-Buyer, and Seller, a just right Measure, or Dish, and such a sufficient Number of them, as shall at all times of the Year measure all the Lead-Ore that

L

is

is gotten in the Manour or Lordship of *Litton*, to be cut and siz'd in the Presence of the Grand Jury, or Four of them, or they shall forfeit to the Lord of the Manour, or his Farmer, for every time failing therein three Shillings and Fourpence.

ART. V.

We, upon our Oaths, say, that there is, by ancient Custom of the Mine, due to the Lord of the Manour, and Farmer of the said Manour, and Lordship of *Litton*, from all Persons that have any Right, Title, or Possessions to any Mine or Mines, within the said Manour and Lordship, for their having Liberty to work the said Mines, to pay for Lot a thirteenth Dish of all Lead-Ore gotten in the said Lordship; and fourpence for Cope for every Load; Nine Dishes being, by the Custom of the Mine, a Load: and that all Persons having paid the Duties of Lot and Cope, as aforesaid, when the Barr-master, or his Deputy, hath measured the Ore, by a lawful Dish; which, upon reasonable Notice, they shall do; the Miner or Proprietor shall then carry away and sell to their best advantage.

ART.

ART. VI.

We, upon our Oaths, say, by the said Custom, that the Barr-master, or his Deputy, with Four of the Twenty-four, shall lay forth the Miners the next Way to the Highway, for carrying at all times, all their Materials necessary for working the said Mines, and for bringing away their Ore or other Materials, as they shall have occasion, and Water to wash their Ore and Liberty to buddle the same.

ART. VII.

We, upon our Oaths, say, that the Custom of the Mine, upon Notice given to the Barr-master, or his Deputy, by the Miner, who shall find any new Rake, Vein, or Pipe, he shall deliver and lay out for every such first Finder two Meares of Ground, in the same Rake, Vein, or Pipe, each Meare containing thirty two Yards in length; the which two Meares of Ground the Miner is to have, one for his Diligence in finding the same; and the other for Mineral Right, paying the Lord of the Manour, or his Farmer, one Dish of his first Ore therein gotten; and then the Lord of the Manour, or his Farmer,

shall have one Meare of Ground in the said new Vein, Rake, or Pipe, at either End of the said two Meares, or one whole Meare at one End, or either of them, as the Lord or his Farmer pleases; he or they making their Election within three Days after the finder Meares are freed and laid forth; then every one in such Vein, Rake, or Pipe, one Meare or more, according to their taking, paying the Lord, or Farmer, for every Meare the first Dish of Ore got therein; but in default to forfeit to the Lord the said Meare of Ground.

ART. VIII.

We say, if any Miner, or any other Person, set on an old Work, then the Barr-master, or his Deputy, is but to lay them out one Meare of Ground, on either side his Shaft, half a Meare; paying one Dish of his first Ore, therein gotten, and the Lord of the Manour, or Farmer, is to have no Meare, but every one is to be served according to his taking; and that no one ought to set on an old Work or ancient Possession, without the Barr-master, and One or more of the Grand Jury, or Twenty-four, of the Mine; and that the Barr-master, or his Deputy, ought

ought not to lay forth, or measure, any Man's Ground, either new or old, 'till Ore be got to free it withal ; and when the Ground is freed, it ought to be measured and laid forth, and a Meare Stake set the same Day.

ART. IX.

We, upon our Oaths, say, that all Persons shall keep their Ground in good and lawful Possession, with Stows of Timber in all Mens Sight ; and that Crosses and Holes, without Stows and Timber, can keep Possession but three Days ; and that Groves, Shafts, or Meares of Ground, within the Manour of *Litton*, kept in lawful Possession are an Inheritance, and descend to the Heirs and Assigns of the Owners, and Wives to have Dowry in them.

ART. X.

We say, by the Custom of the Mine, that all Persons ought to work their Ground truly, and chase their Stool to their Ground end ; and so each one from Meare to Meare, according to the Custom, and to work all Groves and Meares of Ground duly, and keep them in Work-

L ; manship,

manship, unless they be justly hindered by Water, or for want of Wind; and in such Cases, Diligence ought to be used, from time to time, to gain Wind, and let out the Water; or in case of neglecting to make Workmanship, then the Barr-master, or his Deputy, shall set one Nick upon the Spindle; and so from Week to Week, shall do the like, until such time as three Weeks shall be expired: Then the Barr-master, taking Two of the Grand-Jury, or Twenty-four, with him, shall deliver it to whom he pleases, that the same may be wrought according to Custom; and then that the first Owner or Possessor shall have no Right or Title thereunto.

ART. XI.

We, upon our Oaths, say, by the Customs of the Mines, all Persons, both Plaintiffs and Defendants, shall actually put in their Pawns into the Barr-master, or his Deputy's Hands; which said Pawn shall be seventeen Shillings and fourpence, to be paid out of the Pawn of him or her that loses the Trial, by the Barr-master, or his Deputy; ten Shillings to the Steward, three Shillings and fourpence

pence to the Barr-master, and four Shillings for twelve Mens Dinners; which said Pawns shall actually be put into the Barr-master's Hand, by the Plaintiff or Plaintiffs, within four Days after the Arrest; and by the Defendant or Defendants, within eight Days after the said Arrest, or for want thereof to lose their Rights and Title to such Groves, or Meares of Ground so arrested; and the Plaintiff or Plaintiffs, to forfeit to the Lord of the Manour three Shillings and four-pence, and to the Parties grieved three Shillings and four-pence.

ART. XII.

We, upon our Oaths, say, that by the Custom of the Mine, any Partner or Partners, that calls the whole Grand Jury, or Twenty-four, together, or sends the whole Twenty-four into a Mine, shall put a Pawn of one Pound thirteen Shillings and four-pence into the Barr-master's Hand, whereof he is to pay ten Shillings to the Steward, twelve Shillings to the Grand Jury, or Twenty-four, to buy their Dinners, three Shillings and four-pence to the Barr-master, and eight Shillings more to the Grand Jury, or

Twenty-four; and upon all other occasions six-pence a Juror allowed them.

ART. XIII.

We say, upon our Oaths, that, by the Custom of the Mine, the Barr-master is to have a Book, wherein all Mortgages of any Groves, Mines, or Meases of Ground, shall be kept, for entering whereof he shall have and receive of the Person which enters them six-pence. And also all Persons shall, within eight Days after they have set any Possessions for any Groves, Mines, or Meares of Ground, or shall by Purchase, or have any Parts or Shares given, or any Possessions or Meares of Ground, or any part of them, shall enter the same, and pay two-pence to the Barr-master for every Meare of Ground so taken up, and possessed, purchased, or given as aforesaid: And all Persons claiming such Possessions, Groves, Mines, and Meares of Ground, by their Mortgage, Sale, Purchase, or giving, shall have Right and Title, according to their Antiquity, the Mortgage Finder, better Possession, Purchase, or any Part given, to be first served, according to their Antiquity; and first finding, setting, possessing,

selling, mortgaging, purchasing and giving, entering the same into the Barr-master's Book as aforesaid, and for want of such entering, to forfeit their Groves, Mines, or Meares of Ground.

ART. XIV.

We say, by the Custom of the Mine, no Person or Persons, Miner or Miners, shall set any Shaft or Groves, or dig or delve, within the length of any Man's Possessions, for such Groves or Mines, or have any Right or Title to any Rake, Vein, or Pipe, by setting within that Person's Possessions, who was first Setter, or Finder, for any length of any such Mine or Mines, he continuing effectually to work the same Mine from his first setting and beginning to work there.

ART. XV.

We, upon our Oaths say, that, by the Custom of the Mine, if it happen, that the Lord of the Manour, or his Farmer, take a whole Meare at one end of any Man's Stows or Possessions, the Finder shall have the next Taker to the Lord; and so every one may and shall have, calling the Barr-master, and Two of the
Twenty-

Twenty-four over their several Meares of Ground, according to their several Takings ; and also, if the Miner or Miners, give two Dishes of Ore for a Vein, Rake, or Pipe, whether it be new or old, shall have such convenient time, as the major part of the Grand Jury, or Twenty-four, shall think fit to give them, to discover the same, by reason of his or their wrong Nomination, and Forfeiture of his or their Groves, Mine, or Meares of Ground to the Lord.

ART. XVI.

We, upon our Oaths, say, that, by the Custom of the Mineral, Wages to Servants and Workmen, and for Materials, ought to be duly paid ; and in default of any Person refusing to pay the Workmen and Servant, or Servants, their Wages, within three Days after Demand, and a Reckoning given him, or his Agents, or Servants, the Barr-master, or his Deputy, shall stop the Person's Ore so refusing, and sell the same, until the same Wages be paid,

ART. XVII.

We, upon our Oaths, say, by the Custom
tom

tom of the Mine, in case of Arrest, that if the Barr-master take the Ore into his Custody, he shall, before he parts with the same, receive from him that is by Verdict to have the Ore, Cope, or Wages due for getting such Ore, or sell the said Ore, and pay the Wages so far as the said Ore will extend.

ART. XVIII.

We, upon our Oaths, say, if any Person claim any Grove] or Groves, Shaft, Meare or Meares of Ground, do claim any Right or Title to any Part or Parts thereof, he shall claim the same within ten Days, by paying Wages and keeping Company, after notice given him, or his Agent, or Servants, by the Barr-master, or his Deputy, or any Person that works the same; if the said Person, or his Agent, or Servant, live within the Liberty, or can be found; or forfeit all his Right, Title, Interest in or to any Part or Share thereof, and be deemed to have no Plea in the Barrmote Court, unless he, she, or they claiming such Right, do arrest within six Days after the Expiration of the said ten Days. But if the said Person or Persons, their Agents, or Servants,

upon

upon diligent Enquiry cannot be found, nor live within the Manour of *Litton*, then the Barr-master or his Deputy, taking two with him of the Twenty-four, shall go to the Grove or Groves, Meate or Meares of Ground, where such Company's Wages and Charges are owing, and there in Mineral-time of the Day make Proclamation, that such Person or Persons shall come in and keep Company, and pay their Part or Parts of all such Wages and Mineral Charges, as hath been already spent, or laid out within twelve Days for his or their Parts: and if such Charges be not paid within the said twelve Days, then the Barr-master or his Deputy, with Two of the Twenty-four, shall deliver Possession to the Complainant or Complainants, on pain to forfeit to the Lord of the Manour, or his Farmer, ten Shillings.

ART. XIX.

We, upon our Oaths, say, that any Person may take half a Meare of Ground, paying for the same, according to the Custom aforesaid.

ART. XX.

We, upon our Oaths, say, the Custom
of

of the Mine is such, that no Person ought to sue any Miner for Ore Debt, or for any Ground or Groves in variance, but only in the Lords Court of Barrmote; and if any do the contrary, they shall lose their Debt, and pay the Charges in the Law; and that no Officer shall serve any Writ, Warrant, or Process, upon any Miners in the Mine at their Work, or when any Miner shall come to the said Lord of the Manour's Great Court Barrmote, or Small Court Barrmote, but only the Barr-master.

ART. XXI.

We, upon our Oaths, do say, that no Person or Persons, shall at any time buy any Ore unlawfully measured, but the same to be done openly by the Lord of the Manour's Dish, upon pain for every time so offending, the Buyer to forfeit ten Shillings, and the Seller shall forfeit the Ore.

ART. XXII.

We, upon our Oaths, say, the Custom of the Mine is such, that if any Person or Persons, will make any Title or Claim in, or to any Man's Groves, Grounds, Shafts, Rakes, or Meares of Ground,

Ground, he ought to arrest the same according to the Custom of the Mine; and the Defendant, upon the Demand of the Barr-master, ought to deliver into the Custody of the Barr-master sufficient Bond with him or them, with sufficient Sureties, to the only Use and Behoof of the Plaintiff or Claimers thereof, not only to make Answer at the next Court Barrmote to such Action or Actions, as shall be attempted by the Plaintiffs; but also to yield so much Ore, or the Value of the Action to the Plaintiffs, if the Defendant be cast or condemned, by the Verdict of twelve Men. And furthermore, that if the Defendant do refuse to be bound, with sufficient Sureties to the Plaintiffs, according to the Premisses, that then the Barr-master shall deliver free Possession to the Plaintiffs; but if the Defendant shall not refuse to do according to the Premisses, that then the Barr-master shall appoint a Court of Barrmote within the space of ten Days, or so shortly, as may be convenient.

Tidswall.



Tidswall ff. Magna Curia Barrmote.

Nom. Jur.

*Robert Durham,
Thomas Swindell,
Thomas Lodgbinson,
Richard Hill,
Edward Hall,
Wm. Hill Dowetstone,
Roger Bray,
Edward Oldfield,
Edward Hill,
Ralph Stavely,
Adam Townsend,
Adam Low,
Robt. Clayton,
Robt. Low,
Arthur Hill,
Robt. Clarke,
Richard Clarke,
Tho. Wood,
Richard Townsend,*

Thomas

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*Thomas Bramwall,
Robert Barton,
William Fox,
Samuel Eyer,
Godfrey Townsend.*

ART. I.

Imprim. **W**E do hold all our ancient Custom to be lawful and good.

ART. II.

Item, We amercy all Miners that have not appeared this Day to do their Suit and Service, according to Custom, for every Offender severally apiece 11 d.

ART. III.

Item, We amercy all Ore-Buyers apiece severally that have not appeared, one Shilling.

ART. IV.

Item, We order, that no Person or Persons shall take Possession of any ancient freed Meare or Meares of Ground, the ancient Possession being lost without the Barr-master shall have notice thereof, and that the Barr-master after such Notice shall give notice to such Partner or Partners,

ners as have been formerly possess'd of the said antient freed Meare or Meares of Ground, and the said Partner or Partners, after such Notice, shall repair to make such Possession or Possessions good; or else it shall be lawful for any Miner or Miners, to set on the said Ground within three Days after such Notice given to the Barr-master.

ART. V.

Item, We lay a Pain, that if the Barr-master do not give three Days Notice to such Partner or Partners, whose Ground is so out of Possession to repair, to make their Possessions good, to forfeit to the Lord of the Manour for his default herein 10 s.

ART. VI.

Item, We lay a Pain, that if the Barr-master do not give three Days Notice to such Partner or Partners, whose Grounds are so out of Possession, to forfeit to the Lord of the Manour for his Default herein 10 s.

ART. VII.

Item, We lay a Pain, that if any Person or Persons do steal off any Stows,

M

Time

Timber, Picks, or any other thing, concerning the Occupation of the Mine, from any Ground or Groves, shall forfeit every time 5 *l.* whereof 20 *s.* to the Lord of the Manour, and 4 *l.* to the Party grieved.

ART. VIII.

Item, That no Miner shall be arrested by the Steward of the said Court of Barimote, without lawful Summons or Warning, upon pain for every time 5 *l.* and the Barr-master to pay the Amerciament to the Lord of the Manour.

ART. XI.

Item, We lay a Pain, that no Person or Persons, shall go to any Gentleman or other Man, to sell, or give any Grove or Groves in variance, for Maintenance, in pain for every Man so doing to forfeit the said Ground or Groves, and the Taker of them forfeits 10 *s.* to the Lord of the Manour.

ART. X.

Item, We lay a Pain, that if any Person or Persons, shall demand any Part or Parts of any Grove or Groves, or any Meares of Ground, that then the Parties

ties so claiming, shall come within three Months after it is wrought, according to the Custom of the Mine, to demand the said Part or Parts, and within fourteen Days after to arrest and have a legal Trial, as soon as may be ; or else for default thereof to have no Plea in the Barrmote Court.

ART. XI.

Item, We do present and say, upon our Oaths, that if any Person or Persons do steal, or feloniously take away any Ore from any Grounds, Groves, Coes-houses, Hillocks, Boles or Bolesteads, or otherwise, if it be under the Value of thirteen-pence halfpenny, then the Barrmaster shall punish such Offenders in the Stocks, Pillory, or otherwise, as it is fit for such Offenders to be punished ; and if any Ore be stolen above the Value of thirteen-pence halfpenny, we say it is Felony ; notwithstanding any surmis'd, forced, or imagined Custom amongst us, used to the contrary : and that all such Persons receiving, aiding, helping, or comforting such Offenders, knowing them to have committed such Offences as Felony, are accessary to the same.

ART. XII.

Item, We lay a Pain, that for want of the Barr-master's inflicting such Punishment upon such Offenders, he shall forfeit to the Lord of the Manour for his Default therein 20 s.

ART. XIII.

Item, We lay a Pain, that no Purcaser or Purcasers, shall come to purchase, or cave, in any Man's Ground but betwixt eight of the Clock in the Morning, and four in the Afternoon, upon pain to forfeit the Ore to the Owners of such Ground, and 5 s. to the Barr-master. The Ore to be immediately seized by the Barr-master.

ART. XIV.

Item, We lay a Pain, that the Barr-master shall keep one lawful Dish, and that he shall walk his Liberty through twice a Week, to view all Possessions or Groves, to see that Possessions be lawfully kept, and Ground lawfully work'd, according to the Custom; and if there be any that be not lawfully work'd that the Barr-master shall arrest such Grove or Groves three times, and give notice upon the Rake of such Arrests; and if the Parties do not repair the same within
three

three Weeks after such Arrest, that then the Barr-master shall work them to his Advantage ; and for default of the Barr-master not performing his part therein, shall forfeit to the Lord of the Manour 20 s.

ART. XV.

Item, We lay a Pain, that every Person denying the Four and Twenty to go down into their Grove or Groves, they being lawfully summon'd thereto, shall forfeit to the Lord of the Manour for every such Denial 40 s.

ART. XVI.

Item, That no Person or Persons shall serve any Writ, Warrant, or other Precept, upon any Person or Persons, coming or going, from any Court Barrmote, the said Person being lawfully summon'd thereto by the Barr-master, the Person so arresting such Person shall forfeit s l.

ART. XVII.

Item, That no Person, being a Miner, shall be arrested upon the Mine, upon pain of forfeit of s l.

ART. XVIII.

Item, If any Person or Persons do ar-

rest any Grove or Ground, that the Plaintiff shall put in his Pawn within three Days after such Arrest, and the Defendant within ten Days after.

ART. XIX.

Item, If any Fray be made upon the Mine, the Party so causing it shall forfeit three Shillings and four-pence to the Lord of the Manour.

ART. XX.

Item, If any Blood be drawn upon the Mine, the Person so drawing it shall forfeit six Shillings and eight-pence to the Lord of the Manour.

Tidswall II. Magna Chria.

Nom. Jur.

*Robert Durham,
Edward Nall,
Thomas Wood,
Richard Townsbend,
Hugh Bradwall,
George Swindell,
Robert Barton,
Thomas Hill,
Edward Hill,
Robert Low,
Arthur Hill,
Humphrey Howson,*

John

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John Beard,
Robert Clark,
Samuel Eyer,
Eliz. Oldfield,
Tho. Swindell,
Francis Eyre,
Thomas Simpson,
Richard Shaw,
Thomas Bramwall,
Robert Oldfield,
Humphry Hill,
Thomas Hide.

ART. I.

We do confirm and hold good all former Articles made by the last Four and Twenty to be lawful and good, and agreeable to the Custom of the Mine.

ART. II.

Item, We lay a Pain, that if any Person or Persons do bring any Possession or Possessions, and set them down upon any Ground near unto any ancient Possession, which has been formerly set, and do not upon setting thereof immediately declare what he sets for, that the Barr-master after such Notice given, shall take such Possessions away, and the Party that set the

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Possessions to forfeit to the Lord of the Manour 40 s. and if the Barr-master neglect his Duty herein shall forfeit 40 s. to the Lord of the Manour.

ART. III.

Item, We do amerce *Robert Clayton* for buying one Horse Load of concealed Ore 10 s.

ART. IV.

Item, We fine and order *Edward Townsend*, for selling one Horse Load of concealed Ore, to forfeit the said Ore to the Lord of the Manour.

ART. V.

We do find and order *Rich. Clark*, for concealing one Horse Load of Ore, to forfeit the said Ore to the Lord of the Manour.

ART. VI.

Item, We do amerce *Robert Low*, *Thomas Woodroof*, *Ann Townsend* and *Edward Townsend*, for taking away Ore that was under Arrest severally a-piece 12 s.

ART. VII.

Item, We lay a Pain, that if for the future any Person or Persons, do take away

away any Ore, that is under Arrest, without Licence first obtained from the Barr-master, to forfeit to the Lord of the Manour for every time so offending 40 s.

ART. VIII.

Item, We do find and order, that the Part of the Grove in variance, sold by *Adam Townsend* to *Edward Timperly*, shall be Forfeitt to the Lord of the Manour.

ART. IX.

Item, We do amerce *Edward Timperly*, for buying the said Part of *Adam Townsend* 10 s.

ART. X.

Item, We lay a Pain, that if any Person or Persons remove any Meare-Stake from the ancient Place where it was formerly set, every such Person so offending shall forfeit for every time so offending 40 s. to the Lord of the Manour.

Tidswell. We whose Names are under written, being of the Four and Twenty for the Manour of *Tidswell*, called this Day upon an Inquiry betwixt *Wm. Cheetham* and his Partners, Plaintiffs, and Mr. *Gent*,

Gent. and his Partners, Defendants, being called on the behalf of the Plaintiffs, in answer to the Plaintiffs Bill, have heard the Evidence, and viewed the Ground in question, do say, that the Founder, being an old Rake, ought to have either way half a Meare from the first Breach, and the Taker-meare to be served for his Taker-meare, at the Founders half a Meare up the Hill, whereunto we have set our Hands 1 Dec. *Per prædict.* Twenty-four.

Tidswell Magna Cur' Barmot. Robt. Eyre Ad Dom. Mandii sui præd. ibid. tent. 19 Die Aprilis Anno Reg. Car. Secundi nunc Ang. &c. trices. Annoq; Dom. 1678.

*Wm. Bramwall,
Thomas Marshall, junr
Humphry Eyer,
Eliz. Oldfield,
John Rigley,
Richard Clark,
Richard Townsend,
Robt. Oldfield,
Samuel Eyer,
Richard Shake,*

Tho.

Thomas Simpson,
Wm. Willson,
Thomas Hodgkinson,
Anthony Marshall,
Frances Eyre,
John Beard,
George Swindell,
Ralph Stavely,
Adam Low,
Robt. Barton.
Tho. Hunston, jun^r
George Eyre,
Edward Hill,
Richard Hill.

ART. I.

We hold all our antient Customs to be lawful and good.

ART. II.

Item, We amerce all Miners that have not appear'd this Day to do their Suit and Service according to the Custom, for every Offender severally apiece 2 s. 4 d.

ART. III.

Item, We amerce all Ore-Buyers severally apiece, that have not appear'd 1 s. or 12 d.

ART.

ART. IV.

Item, We do confirm and hold good all former Articles made by the last Four and Twenty to be lawful and good, and agreeable to the Custom of the Mine.

ART. V.

Item, We order and say, that henceforth *Tuesdays* and *Saturdays* shall be the Measure-Days for the Lord of the Manour of *Tidswell*, for the measuring all the Ore there got, or to be got, by the Copers or other Miners so working in the said Lordship or Manour; at which Days and Times each Partner shall have his due Proportion as the same will arise; and that the said Copers, or other Miners, so working in the said Lordship or Manour as aforesaid, or any of them, shall not at any time hereafter take, or otherwise dispose of any Partners Ore, got in the Groves, or in the Hillocks within the said Lordship or Manour, other than their own Parts, and as the same shall fall to them by Lot, or Turn, without Consent of the Barr-master, upon pain of forfeiting every time they shall do the contrary the said Ore, or the Value thereof, so taken

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taken or convey'd away as aforesaid, to the Parties so grieved, and ten Shillings to the Lord of the Manour.

ART. VI.

Item, We order and say, that if the Barr-master do not go with the Lord's Dith to every Grove work'd within the said Lordship or Manour where there is Ore got, at a convenient time, upon every *Tuesday* and *Saturday*, to measure the said Ore, that then the Barr-master shall forfeit double the Value of what each Party can find himself damnified, upon Oath taken before the Steward of the Manour, or two of the Four and Twenty in the Stewards Absence.

ART. VII.

Item, We order and say, that *Rich. Clark, Ralph Staley, Robert Wall, Wm Oldfield*, and their Partners, do make repair of such their Grove or Groves within the Lordship, as lie in any inclosed Ground within ten Days after the Date hereof, or else the said Partners shall forfeit what Damage any Person shall find himself damnified in; and each of them
so

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So neglecting severally apiece ten Shillings to the Lord of the Manour.

ART. VIII.

Item, We amerce Mr. *Edw. Asb* for concealing three Dishes of Ore from *Lawyer's Grove* 10 s.

ART. IX.

Item, We amerce *Humphry Wardlow*, for concealing four Dishes of Ore from *Coffer's Grove* 10 s.

ART. X.

Item, We amerce *Humphry Wadlow*, for concealing five Dishes of Ore from *Lawyer's Grove* 10 s.

ART. XI.

Item, We do amerce *Robert Howson*, for concealing two Dishes of Ore from *Lawyer's Grove* 10 s.

ART. XII.

Item, We do amerce Mr. *John Bagshaw*, for concealing ten Dishes of Ore from *Olafield Grove* 10 s.



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[This should have been printed after the Articles of *Stoney - Middleton* and *Eyam*.]

The Liberty of Stony-Middleton, and Eyam, Oct. 1, 1733.

We, the Grand Jury, or Four and Twenty Men, do say, that if any Sough or Soughs, be brought up to unwater any Grove or Groves, that the Owners of any such Sough or Soughs, shall have one fourth part of all Ore made merchantable Ware, so far as the Sough or Soughs shall let dry*.

Jurors Names,

Robert Drabble,

Isaac Wilde,

Franc. Taylor,

Benja. Hathway,

Wm. Bomford,

John Soresby,

Will. How,

Joseph Young,

Franc. Drabble,

John Middleton,

Samuel Skidmoor,

George

*Q. Whether the Jury have a Power to make a Law for Soughs near finish'd, when no Complaint was made to them, or to give so much of others Mens Property; and they to dress it them.

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George Bland,
Henry Mirrill,
Rowd. Platts,
James Bland,
George Eyre,
Franc. Barker,
James Betney,
David Broadhurst,
Thomas Navell,
Will. Barber,
Henry Fletcher,
Henry Dowley,
Paul Fletcher.



